

Anti any requirement to wear face coverings issued by private and government business and Local, State, Federal and international municipalities' authorities or agencies and Federal officials federal lawsuit.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

Docket No: 1:22-cv-436(BKS/DJS)

-X

COMPLAINT

GILBERT LAU

JOSEPH BARTON,

JOSE MERCADO

Plaintiff, on behalf of themselves

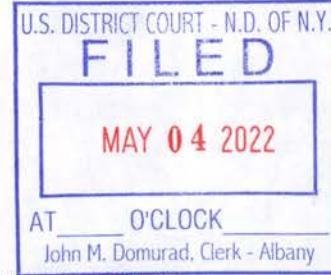
And all others similarly situated, and

As acting pro bono public,

-against-

DR. ANTHONY STEPHEN FAUCI,

U.S. NATIONAL INSTITUTE OF ALLERGY AND INFECTION DISEASES



(BIVENS) ACTION

and 42 USC § 1983 ACTION

THE TRANSPORTATION SECURITY ADMINISTRATION

SPIRST AIRLINES is a government-owned corporation established in 1983 to provide intercity passenger airlines service throughout the United States founded in 1983 as a **quasi-public corporation** to operate many US passenger air routes, SPIRST AIRLINES receives a combination of **state** and **federal subsidies** but is managed as a for-profit organization

JOHN DOE (AKA MARIO) of SPIRST AIRLINES Government Officer.

QANTAS AIRLINES (is an in 1947 the Australian Commonwealth government purchased Qantas and designated the company Australia's flag carrier Australian government-owned corporation)

And MR. ALAN JOYCE as CEO OF QANTAS AIRLINES

AMTRAK National Railroad Passenger Corporation (Amtrak) (**Amtrak** is the **National Railroad Passenger Corporation (Amtrak)** is a government-owned corporation established in 1971 to provide intercity passenger train service throughout the United States founded in 1971 as a **quasi-public corporation** to operate many US passenger rail routes, **Amtrak** receives a combination of **state** and **federal subsidies** but is managed as a for-profit organization)

CENTERS FOR DISEASE CONTROL AND PREVENTION

DR. ROCHELLE P. WALENSKY, MD, MPH, Director of the Centers for Disease Control and Prevention, in her official capacity,

THE FOOD AND DRUG ADMINISTRATION

THE UNITED STATES OF AMERICA,

UNITED STATES OF AMERICA CORPORATION, as a Defendant

THE ESTATE OF WILLIAM HENRY GATES III aka BILL GATES,

And He is best known as the co-founder of Microsoft

The ESTATE OF **MELINDA GATES**, upon information and nature belief, Defendant Melinda Gates is Mr. Bill Gates "wife" known as Mrs. Melinda Gates.

And BILL AND MELINDA GATES FOUNDATION as a Defendant

UNITED AIRLINES

UNITED AIRLINES PLANE OFFICE JOHN DOE

AMERICAN AIRLINES

Defendants

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PRELIMINARY STATEMENT

1. What this fight is all about unconstitutional **Federal Transportation Mask Mandate** and one of the base the sarscov2 virus has never been proven to exist and Plaintiff Gilbert Lau, Co-Plaintiff Joseph Barton, Co-Plaintiff Jose Mercado brings this suit to permanently enjoin enforcement of the Federal Transportation Mask Mandate ("FTMM") and the International Traveler Testing Requirement ("ITTR") put into place by orders of Defendants Centers for Disease Control & Prevention ("CDC"), Dr. Rochelle Walensky, Director of the Centers for Disease Control and Prevention, in her official capacity, Department of Health & Human Services ("HHS"), Transportation Security Administration ("TSA"), Department of Homeland Security ("DHS"), Department of Transportation ("DOT"), and Plaintiffs filed this action against the two private Airlines Defendants and Federal Government owned Airline Defendant and Government owned Railroad Defendant June 14, 2021 alleges violation of the Air Carrier Access Act ("ACAA") and safety of their passengers by illegally mandating masks that cause harm to human health in violation of the terms of their operator certificated issued by the Federal Aviation Administration ("FAA") under 49 USC § 44702.
2. Plaintiffs also seek to enjoin any requirement to wear face coverings issued by Defendants Centers for Disease Control & Prevention ("CDC"), Dr. Rochelle Walensky, Director of the Centers for Disease Control and Prevention, in her official capacity, Department of Health

& Human Services ("HHS"), Transportation Security Administration ("TSA"), Department of Homeland Security ("DHS"), Department of Transportation ("DOT"),

3. This is an action alleging violations of Plaintiff's Constitutional, Human Rights and civil rights by Airlines flight from This action also alleges violations of Plaintiff's rights under the Americans with Disabilities Act and Rehabilitation Act.
4. **This fight about is Defendant Spirit Airlines, and Defendant John Doe (aka Mario and Plaintiff has video footage which an illegal, unconstitutional activity in the airplane and Governmental Fight attend conversion and intimidate all fight passengers going to domestic in the USA.**
5. Plaintiffs Lau, Barton and Mercado suit brings this suit to permanently enjoin enforcement of the Federal Transportation
6. Mask Mandate ("FTMM") and the International Traveler Testing Requirement ("ITTR") put into place by
7. Orders of Defendants Centers for Disease Control & Prevention ("CDC"), Department of Health & Human
8. Services ("HHS"), Transportation Security Administration ("TSA"), Department of Homeland Security
9. ("DHS"), Department of Transportation ("DOT"), and President Joseph Biden (collectively "the Federal
10. Defendants"). **WE** also seek to enjoin and any requirement to wear face coverings issued by Defendant Greater for the Greater New York State region as these mandates are in direct violation of a Federal executive order prohibiting any subdivision of the state from requiring face coverings and WE ask for declaratory judgment is unconstitutional any requirement to wear face coverings issued by Defendant Greater for the Greater New York State region as these mandates are in direct violation of a Federal executive order prohibiting any subdivision of the state from requiring face coverings.
11. The defendants' goal of easing the impact of COVID-19 is laudable but grossly misguided. In attempting to mandate masks for all American travelers and to require anyone flying into the United States – even those fully vaccinated and/or with natural immunity – to obtain an expensive coronavirus test within three days of departing a foreign nation, defendants have acted without statutory authorization or following the rulemaking process required by the Administrative Procedure Act ("APA"). These policies also raise serious constitutional concerns. Because of the FTMM, numerous state, local, and regional transportation agencies are required to enforce a federal policy that is in direct conflict with state law.
12. The Court should hold unlawful and immediately vacate both the Dr. Fanci, CDC, and the TSA because they are improper, illegal, and unconstitutional exercises of executive authority. Both mandates are procedurally defective because the Federal Defendants adopted a rule without following the APA's notice-and-comment requirements or considering the impact on tens of millions of travelers such as myself. They also ignored countless scientific and medical data showing that face masks are totally ineffective in reducing coronavirus spread (and are actually harmful in many circumstances), CDC's own updated guidance on masks for Americans who are fully vaccinated against COVID-19, and numerous other data regarding the negative effects of mandating masks and international travel coronavirus testing.

13. Both the Dr. Fanci, CDC and TSA exceed CDC's statutory authority because § 361 of the Public Health Service
14. Act contains no authority to adopt a nationwide mask mandate for the transportation (or any other) sector nor a first-of-its-kind requirement that anyone flying into the United States be tested for a disease. Congress never intended for the Executive Branch to have the authority to promulgate these policies –and even if it did, they are unconstitutional. Furthermore, Congress has enacted at least 20 laws directly concerning the coronavirus pandemic, yet none of these have authorized a mask mandate or international testing requirement. The Federal Defendants may not exercise their authority in a manner that is inconsistent with the administrative structure that Congress enacted.
15. The Defendant Airlines and railroads are arbitrary and capricious because the Federal Defendants and Private Defendants failed to reasonably explain why other measures are insufficient to tackle the rapidly declining COVID-19 infection and death rates.
16. Furthermore, the Dr. Fanci, CDC and TSA raise constitutional questions including separation of powers, right to due process, the freedom to travel, and states' rights, among others. If Section 361 of the Public Health Service Act confers such broad authority upon Defendant CDC to adopt these policies, the statute would violate the non-delegation doctrine because it contains no intelligible principle guiding CDC's exercise of its authority. The FTMM and ITTR are also unconstitutional because they effectuate a taking of private property (transportation services paid for) without just compensation and delegate enforcement and exemption decision-making to nonfederal entities.
17. Finally, our grounds Plaintiffs also seek to permanently enjoin any requirement to wear face coverings issued by Defendants Centers for Disease Control & Prevention ("CDC"), Dr. Rochelle Walensky, Director of the Centers for Disease Control and Prevention, in her official capacity, Department of Health & Human Services ("HHS"), Transportation Security Administration ("TSA"), Department of Homeland Security ("DHS"), Department of Transportation ("DOT"), and for declaratory judgment for unconstitutional any requirement to wear face coverings issued by Defendants Centers for Disease Control & Prevention ("CDC"), Dr. Rochelle Walensky, Director of the Centers for Disease Control and Prevention, in her official capacity, Department of Health & Human Services ("HHS"), Transportation Security Administration ("TSA"), Department of Homeland Security ("DHS"), Department of Transportation ("DOT") is The so-called sarscov2 virus was never isolated or identified or proven to exist.
 - A. Over 30 countries under **FREEDOM OF INFORMATION** were asked to produce evidence the existence of sarscov2 and no country, no agency, nobody can produce evidence that the sarscov2 virus exists because it does not exist.
 - B. In fact, Steve Kirsh offered one million dollars for anyone who can produce evidence that sarscov2 exists. No one has been able to prove that sarscov2 exists and no one has claimed the one million dollars offered for proof.
 - C. If no one can produce evidence that sarscov2 exists, the so-called virus that COVID-19 is based on, then how can anyone make a vaccine for a virus no one has been able to prove exists.

D. In addition, the PCR TEST does not test for infectious disease. The PCR only tests for GENETIC MATERIAL. So all of the fake results that people had COVID were based on lies because the PCR does not detect infection only genetic material.

E. The whole pandemic scamdemic is one big lie.

PARTIES

18. Plaintiff GILBERT LAU resides in New York, New York.
19. Plaintiff JOSEPH BARTON lives in Woodstock, New York
20. Plaintiff JOSE MERCADO resides in New York, New York
21. Defendant Dr. Anthony Stephen Fauci is an American physician-scientist and immunologist who serves as the U.S. National Institute of Allergy and Infectious Diseases and the chief medical advisor to the president. He is sued in his official capacity.
22. Defendant U.S. National Institute of Allergy and Infectious Diseases
23. Defendant, **Centers for Disease Control and Prevention (“CDC”)** issued and is implementing the Mask Mandate, 86 Fed. Reg. 8025. See Ex. B. The CDC is a component of Defendant the Department of Health & Human Services (“HHS”).
24. Dr. Rochelle Walensky, MD, MPH. is the Director of the Centers for Disease Control and Prevention and is sued in her official capacity.

25. Defendant **Transportation Security Administration** is a federal government that manages security policies for railroads, buses, pipelines, ports, mass transit systems, and highways. In transportation hubs, the TSA screens baggage and travelers at most of the major airports in the United States. It oversees contracts that are held by private screening firms who serve in a similar capacity and are entitled to be sued in pursuant to **Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1971)**, the First, Fourth, Fifth Amendments and Fourteen Amendments to the US Constitution.

26. Defendants are the United States, appointed officials of the United States government, and United States governmental agencies responsible for issuing and implementing the challenged administrative actions.
27. Defendant, The United States of America, are sued herein under 5 U.S.C. §§ 702–03 and 28 U.S.C. § 1346.

28. Defendant Spirit Airlines is a federal government-owned corporation entitled to be sued in pursuant to **Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1971)**, the First, Fourth, Fifth Amendments and Fourteen Amendments to the US Constitution.

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29. Defendant Spirit Airlines is a government-owned corporation established in 1983 to provide intercity passenger airlines service throughout the United States founded in 1983 as a **quasi-public corporation** to operate many US passenger air routes, SPIRIT AIRLINES receives a combination of state and federal subsidies but is managed as a for-profit organization sued in pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1971), the First, Fourth, Fifth Amendments and Fourteen Amendments to the US Constitution.
30. Defendant Spirit Airlines officer John Doe (aka Mario) is, upon information and belief, a resident of the State of New York. Officer Doe is an African American, mid set man in his 40s or 50s. Officer Doe was acting in furtherance of his employment as described in this Complaint.
31. Defendant Qantas Airlines, is a In 1947 the Australian Commonwealth government purchased Qantas and designated the company Australia's flag carrier Australian government-owned corporation entitled to be sued in pursuant to
32. Defendant Qantas Airlines CEO Alan Joyce is the CEO of Qantas Airlines, and he is the federal actor (untitled) to be sued in pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1971), the First, Fourth, Fifth Amendments and Fourteen Amendments to the US Constitution.
33. Defendant Amtrak, the **National Railroad Passenger Corporation (Amtrak)** is a government-owned corporation established in 1971 to provide intercity passenger train service throughout the United States founded in 1971 as a **quasi-public corporation** to operate many US passenger rail routes, **Amtrak** receives a combination of state and federal subsidies but is managed as a for-profit organization. See, www.google.com as matter of Fact and entitled to be sued in pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1971), the First, Fourth, Fifth Amendments and Fourteen Amendments to the US Constitution and entitled to be sued in pursuant to **42 USC § 1983**, the First, Fourth, Fifth Amendments and Fourteen Amendments to the US Constitution because Amtrak, the **National Railroad Passenger Corporation (Amtrak)** is a government-owned corporation established in 1971 to provide intercity passenger train service throughout the United States founded in 1971 as a **quasi-public corporation** to operate many US passenger rail routes, **Amtrak** receives a combination of state subsidies, see, www.google.com
34. Defendant Centers for Disease Control and Prevention is a federal government agency entitled to be sued in pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1971), the First, Fourth, Fifth Amendments, and Fourteen Amendments to the US Constitution.
35. Defendant United Airlines is an Inc. is publicly traded through its parent company, **United Airlines** Holdings. Inc., which is a Delaware corporation, on the New York Stock Exchange NYSE: UAL, with a market capitalization of over US\$21 billion as of January 2018.



JURISDICTION AND VENUE & STANDING

36. This is a civil action brought pursuant to **Air carrier access Law 49 U.S.C. § 41705** and **Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1971)**, the First, Fourth, Fifth Amendments and Fourteen Amendments to the US Constitution, the Federal Tort Claims Act, the Americans with Disabilities Act, and New York state law.

37. This Court has the authority to grant the relief requested herein pursuant to 5 U.S.C. § 702 & 706 and 28 U.S.C. §§ 2201-2202.

38. This is a civil action is also brought pursuant to Federal Aviation Administration ("FAA") under 49 USC § 44702 and **Air carrier access Law 49 U.S.C. § 41705, 42 USC § 1983, Bivens** the First, Fourth, Fifth Amendments and Fourteen Amendments to the US Constitution on Defendant Amtrak, the **National Railroad Passenger Corporation (Amtrak) only.** **see, www.google.com**

39. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, 1343 28 U.S.C. § 1346, and 5 U.S.C. §§ 702-03.

40. The venue is proper in this district because the actions underlying the Complaint occurred in this district.

41. The venue is proper in this judicial district because provide Private Defendant and Government Defendant is headquartered in the Northern District of New York a civil action in which a defendant is... an agency of the United States... may, except as otherwise Judicial District in which in any Judicial District in which a defendant in the action reside...28 USC § 1391(e) (1).

1. No Jury trial because this is a question of law lawsuit.



STATEMENT OF FACTS

A. BACKGROUND FACTS

42. On November 23, 2020, Plaintiff in Albany County and the Plaintiff was stay in Albany, NY at the hotel Courtyard by Marriott Albany-227 Wolf Rd, Albany, NY 12205 for 3 three nights and the Plaintiff was informed by Trunews, masks and COVID-19 and Coronavirus worldwide vaccines mandate by all airlines companies on approximate 7:30 PM.
43. Coronavirus worldwide vaccines was report by the news release this year.
44. Coronavirus worldwide vaccines in Fact in premature because realistic it take at last 10 years make it safe with no side effects.
45. Plaintiff is immune-compromised that mean Plaintiff cannot take any kind of vaccine or it will kill Gilbert Lau.
46. Bill Gates of Microsoft corporation and attach a transcript of video statement and CD audio annexed hereto Exhibit A, said himself Bill Gates said his Coronavirus worldwide vaccines has side effects and every other Coronavirus worldwide vaccines tested for side effects like for 1. Body chills, 2.
47. Plaintiff wrote a letter to Defendant Spirit Airlines complained of their policy and complained about Defendant John Doe (Mario) annexed hereto Exhibit A.
48. Plaintiff attach as annexed hereto Exhibit B- Dr. Simone Gold, MD, ESQ., JD, FABM on Masks-Civil Liberties. Denouncing masks as "It is clear to me as a physician-lawyer that the disinformation about both Covid-19 and the Constitution has caused us to turn a medical issue into a legal crisis.
49. "The scientific usefulness of a mask has been so aggressively overstated, and the
We have normalized people screaming obscenities at each other while hiking."
50. "The Covid virus was supposed to be contained in the kind of lab where people wear astronaut suits and go through triple sealed door. It is a con of massive proportion to assert that now, having escaped those environs, a bandana will magically do the trick."
51. "After all, size matters."
52. "The pore size of cloth face coverings range from ~ 20-100 microns. The Covid virus is 200-1000x smaller than that, at 0.1 microns. Putting up a chain link fence will not keep out a mosquito. Even the most esteemed medical journals admit their purpose is to calm anxiety. "Expanded masking protocols' greatest contribution may be to reduce the transmission of anxiety ..."
53. "Of course, by knowledge or common sense observation, most Americans already know that masking everyone is superstition. But unlike privately carrying a lucky charm, mandating facial coverings requires the consent of the governed."
54. "Many cultures mandate clothing that appears totally irrational to outsiders. Never have those cultures pretended that there is a scientific basis for their clothing



requirement. Their leaders rule, and their citizens accept, that their choice of clothing is due to religious or cultural preference."

55. Not wearing a mask is not mere "personal choice" like deciding between a head covering and a t-shirt. It is a flashpoint for being a free human being who has consented to be governed but has not consented to be ruled. We do not consent to a masked America, because that is a fundamental change in American society, culture, norms, and rights. People who are apathetic toward their own liberty cannot eliminate Constitutional rights for those who are not. This is not the first (or last) time that people who believe in superstition are screaming the loudest. The Constitution exists precisely to protect all people during times of mass hysteria.
56. "The mask has become the most visible symbol of #social conditioning to Americans determined to preserve individual freedom. Thus far most Americans have continued to give their consent to be governed. But you are trying our patience."
57. This is - Dr. Simone Gold, MD, ESQ., JD, FABM on Masks-Civil Liberties own by her statement as exhibit B and Plaintiff's (expect witness herewith as of Fact.)
58. On July 9, 2020 at 5:55 PM from Peripheral (blood), Ordered by Dr. Paul L Glassman, MD and Resulted on 07/09/2020 9:46 PM **Annexed as Exhibit L hereto is a true and correct copy of COVID-19 ANTIBODY IGG – Details AND CBC WITH DIFFERENTIAL – Details BY DR. PAUL L. GLASSMAN, MD ON JULY 9, 2020**
59. Plaintiff was tested for COVID-19 on July 9, 2020 on 5:55 PM, by Dr. Paul L. Glassman, MD and determination by blood tests the Plaintiff was final determinate to be negative with NO COVID-19.
60. By the Plaintiff with a negative tests results on July 9, 2020 on 9:46 by Dr. Paul L. Glassman, MD, is Prima Facie Evidence this COVID-19 is fake, sham, hoax and a scam coronavirus and COVID-19 is made put tyrannical control in this Country as matter of Fact. **Annexed as Exhibit M hereto is a true and correct copy of COVID-19 ANTIBODY IGG – Details AND CBC WITH DIFFERENTIAL – Details BY DR. PAUL L. GLASSMAN, MD ON JULY 9, 2020. Annexed as Exhibit L hereto is a true and correct copy of Blood test results BY DR. PAUL L. GLASSMAN, MD ON JULY 9, 2020**
61. On or about November 23, 2020 on a Sunday Plaintiff's bear witness at in the street in Albany, New York that this Pandemic and insidious virus, it is a hoax and fake:
 - a. I do not wear outside when I did not have COVID-19 see Plaintiff with a negative test results on July 9, 2020 on 9:46 PM by Dr. Paul L. Glassman, MD attached hereto Exhibit L.
 - b. People are not dropping dead in the streets in Albany, New York
 - c. Homeless People are not dropping dead in the streets in Albany, New York nor collecting their bodies in this Streets.
62. On or about December 28, 2020 on a Monday Plaintiff's bear witness at in the street in Albany County and New York City, New York that this Pandemic and insidious virus, it is a hoax and fake:

- a. I do not wear outside when I did not have COVID-19 see Plaintiff with a negative test results on July 9, 2020 on 9:46 PM by Dr. Paul L. Glassman, MD attached hereto Exhibit C.
- b. People are not dropping dead in the streets in New York City New York, New York State.
- c. Homeless People are not dropping dead in the streets in New York City, New York nor collecting their bodies in this Streets.
- d. Plaintiff has a video footed as evidence and will presented in trial the NYU Hospital frontline employees were dancing during the allege pandemic. This is prove the pandemic is fake!
- e. The hospital are not overrun with COVID-19 patients and the Plaintiff has Fact is poof by video footed as evidence and will presented in trial the NYU Hospital frontline employees were dancing during the allege pandemic. This is prove the pandemic is fake and a fraud pandemic!

63. December 31, 2020, at 4:09 PM, in New York City, New York State Plaintiff Bear fact witness in NYU Hospital on saw emergency room and there was no overwhelm COVID patients where it supposed to be in all emergency room in hospitals in the United States of America.

64. Pandemic and insidious virus base on the above paragraph 51 is a fake, sham, con, and hoax as a matter of Fact.

65. Plaintiff has a friend that collaborates with Mr. Lau with the facts that in Fact Hospital in New York State are not backup with COVID-19 Patients.

66. Plaintiff friend saw no COVID-19 Patients in Lenox Hill Hospital and in New York Weill Cornell hospital friend report the Fact the hospital is not overwhelmed with COVID-19 Patients.

67. This Fact has proven. COVID-19 is a hoax or a sham.

68. Plaintiff wear the mask in D'Agostino Supermarkets on April 13, 2021 at 8:05 PM in an undisclosed location and Plaintiff was very lightheaded and lose conscious.

69. Please See, Lead Plaintiff Lau sworn affidavit to testify facts of Plaintiff factual experience of mask wearing. Annexed as Exhibit N hereto is a true and correct copy of Affidavit of Plaintiff Gilbert Lau.

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AS FOR JOSEPH BARTON AS A CO-PLAINTIFF PRO SE

70. Plaintiff Joseph Barton is not the all-capital Plaintiff Joseph Barton and his wife Paula G. Barton, fictitious artificial persons.
71. Co-Plaintiff Joseph Barton was fraudulent charge with trespass for trying to buy fly with all private company like everyone else including Lead-Plaintiff Lau.
72. Co-Plaintiff Joseph Barton and decrease wife told the all airlines fly to our destination of our personal right choice.
73. Private defendant airlines told us that if Co-Plaintiff Joseph Barton and his wife were discriminated because we refuse to wear a face mask.
74. Both Co-Plaintiff Joseph Barton and decrease wife were so tired of every private defendant airlines in the area denying us the right to fly and travel that Co-Plaintiff Joseph Barton and decrease wife we decided to exercise our Constitutionally guaranteed to life and liberty.
75. To have life, one has to have breath of fresh air.

76. This was denied travel. There came a time when Co-Plaintiff Joseph Barton and decrease wife had finally had enough, stood their ground.
77. Co-Plaintiff Joseph Barton refuse to fly in commerce airplane & trains until the federal court overturned the public transportation on Airlines, buses, trains, subways, etc.

AS FOR DR. ANTHONY STEPHEN FAUCI AS A DEFENDANT

The Outbreak

78. There is, and has been, much fear being stirred amongst the public by both government and media sources about the dangers of COVID-19, the name being used for the effect of the current SARS-CoV-2 outbreak.

79. For months, since May 2020, The Gateway Pundit has been reporting on Dr. Anthony Fauci's likely illegal funding of coronavirus projects at the Wuhan Virology Center.

80. It is clear that they successfully isolated the coronavirus in the lab and were actively experimenting with species-to-species transmission by Defendant Dr. Anthony Stephen Fauci.

81. It's also important to note that back in 2017 we had solid intelligence about a viral leak in a high security Chinese virology R&D center that resulted in the SARS virus getting out and killing people.

82. This information provides a basis that contradicts the theory that COVID-19 is a variant that just magically mutated in a bat in the wild and then jumped to a human when they ate a delicious bowl of bat soup.

83. Rogin said Saturday the only way to move forward from the pandemic is to investigate its origins, including a real independent investigation in Wuhan.

And then we've got to check out all the labs here," he said. "Turn over some rocks that are going to make some people very uncomfortable."

Dr. Fauci and the National Institutes of Health were responsible for using taxpayer dollars for gain of function research, to weaponize viruses to make them more contagious and more deadly coerce to Airlines and trains to be the mask police and to coerce airlines & trains patrons like Lead-Plaintiff Gilbert Lau, Co-Plaintiff Joseph Barton and Co-Plaintiff Jose Mercado mask up when in fact there is scientific evidence that do not to stop any virus and mask are harmful and dangerous and deadly to the human body. Please see, **Annexed as Exhibit A hereto is a true and correct copy of MASK-INEFFECTIVENESS**

84. The Defendant Dr. Anthony Stephen Fauci himself has been at the fake epicenter of stirring up some of that fear in New York. In particular, the defendant falsely claimed on March 16, 2020 in a nationally televised interview that Danbury Hospital was "at capacity" and that "200 nurses from Danbury Hospital" were on furlough from having

contact with Covid-19 infected people.

<https://www.msnbc.com/al-i-in/watch/conn-gov-200-nurses-furloughed-due-to-lack-of-coronavirus-testing-danbury-hospital-at-capacity-80736325731>

As it turned out, there were 200 hospital employees - not just nurses - across 7 hospitals in New York and Connecticut in the Nuvance Health umbrella that were furloughed, and Danbury was not at capacity. <https://www.myrecordjournal.com/News/State/200-health-care-workers-possibly-exposed-to-virus-stay-home>.

85. Since the first recorded case of COVID-19 in the U.S. on or about January 21, 2020, approximately 31,070 deaths have been attributed to the virus.

<https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>

86. The number of Covid-19 deaths in the U.S. is almost surely artificially inflated, because our governments are counting every dead person who tests positive either pre or post-mortem as a "COVID-19 death," regardless

of the actual cause of death. See, video of Dr. Deborah Birx, White House Coronavirus Response Coordinator, at Presidential Briefing on April 8, 2020:

<https://www.realclearpolitics.com/video/2020/04/08/dr birx unlike some countries if someone dies with covid-19 we are counting that as a covid-19 death.html>.

87. Of the 11,356 deaths *fully tabulated* as of April 16, 2020 by the CDC, 78% occurred in people aged 65 and above, and more than 91% of deaths involved people 55 or older.

<https://www.cdc.gov/nchs/nvss/vsrr/COVID19/index.htm>. Curiously, as of April 16, 2020 it appears as though the State of New York is the *only* state in the nation that has not yet submitted its data to the CDC.

<https://www.cdc.gov/nchs/nvss/vsrr/COVID19/>; (Exhibit M).

88. As of April 14, 2020, approximately 3.1 million people had been tested in the U.S. for Covid-19. <https://www.nytimes.com/2020/04/15/us/coronavirus-testing-trump.html>. Thus, less than 1% of the entire U.S. population of approximately 330 million, has been tested for Covid-19.

<https://www.census.gov/popclock/>. Most experts and laypeople agree that, in light of the dearth of testing in the U.S., it is reasonable to infer that exponentially

more people have contracted the virus than have been test-confirmed positive; ergo, the mortality rate of Covid-19 may be very low.

89. According to a March 26, 2020 editorial in the New England Journal of Medicine co-authored by Defendant Dr. Anthony Fauci — Director of the U.S. NIAID and leader of the U.S. Government's official medical response to this outbreak - "[i]f one assumes that the number of asymptomatic or minimally symptomatic cases is several times as high as the number of reported cases, the case fatality rate may be considerably less than 1%. This suggests that the overall clinical consequences of Covid-19 may ultimately be more akin to those of a severe seasonal influenza which has a case fatality rate of approximately 0.1%."

90. The Defendant Dr. Anthony Stephen Fauci said "Do not wear a masks because it spreads disease," than next he wear a masks, than he wear two mask and least he three masks on your face.

91. Defendant Dr. Anthony Stephen Fauci a flip/flop statement this is proof he made a false indigenous misleading statement and misrepresentation statement to general public.

92. *Plaintiffs has fact-witness the point out that Defendant Dr. Anthony Stephen Fauci work the WHO and China to make this COVID-19 to enforce mask mandate on Public plans and airports.*

93. **Alex Jones** will be the Plaintiffs' factual witness because Plaintiffs will subpoena **Mr. Alex Jones** for trial and for oral deposition.

94. Mr. Alex Jones reported the fact that the Defendant Dr. Anthony Stephen Fauci work with China and the WHO in Wuhan, China and Mr. Alex Jones reported the fact that the Defendant Dr. Anthony Stephen Fauci made in purpose in a laboratory in Wuhan, China and Mr. Alex Jones must be witness in trial and oral deposition.

95. Mr. Alex Jones reported Defendant Dr. Anthony Stephen Fauci, knew the people in Wuhan, China and the WHO to plan this man made virus.

96. On or about March 14, 2007, Defendant Dr. Anthony Stephen Fauci give money to China in Wuhan to function more on the COVID-19 virus to spread out in the world.

97. On or about March 14, 2007, Defendant Dr. Anthony Stephen Fauci convened the US Congress to pass law funding of Tax payer to function and make this COVID-19 virus on purpose or intention to the US and world and unleashed in public.

98. Plaintiff has a star witness to prove this fact.

99. Defendant Dr. Anthony Stephen Fauci on July 4, 2020, independence day admits on social media, Facebook,

100. But just last year, the Defendant National Institute for Allergy and Infectious Diseases, the organization led by Defendant Dr. Fauci, funded scientists at the Wuhan Institute of Virology and other institutions for working on gain-of-function research on bat coronaviruses.

101. On or about March 14, 2007, Defendant Dr. Fauci's go it alone gain of function research strategy that leads to the Wuhan lab in China to make COVID-19 virus in purpose to spread around the world and that is a fact.

102. Plaintiff has star witness that will testify against Dr. Anthony Stephen Fauci he made the COVID-19 at the Wuhan Institute of Virology on March 17, 2007.

103. **The actions of all Defendant were performed within the scope of his employer and authority, for whose acts the defendant Dr. Anthony Stephen Fauci are liable under the doctrine of Conspiracy under 42 U.S.C. § 1985(3).**

"THESE MASKS ARE NOT INTENTED FOR USE IN SURGICAL SETTINGS WHERE THE RISK OF INFECTION THROUGH INHALATION IS HIGH. THESE MASKS ARE NOT INTENDED FOR USE IN SETTINGS WHERE SIGNIFICANT EXPOSURE TO LIQUID, BODILY OR OTHER HAZARDOUS FLUIDS MAY BE EXPECTED. THESE MASKS ARE NOT INTENDED FOR USE IN THE PRESENCE OF A HIGH INTENSITY HEAT SOURCE OR FLAMMABLE GAS. **THESE MASKS DO NOT ELIMINATE THE RISK OF CONTRACTING ANY DISEASE OR INFECTION, NOR REDUCE THE RISK OF ILLNESS OR DEATH FOR ONE-TIME USE ONLY, PROPERLY DISPOSE OF AFTER USE.....**"(Exhibit A). (MASK-INEFFECTIVENESS)

THE SCIENCE ON THE MASKS DO NOT WORK

104. The mask is only one micron smaller when in fact COVID-19 Virus is 0.03 micron smaller than the mask itself when the mask is only one micron smaller.

DEFENDANT DR. ANTHONY STEPHEN FAUCI CONTRADICT HISSELF ABOUT THE MASK ON NATIONAL T.V. PRIMA FACIE EVIDENCE THAT DEFENDANT FAUCI MADE UP INJURIOUS FALSE OR FRAUDULENT STATEMENTS AS A MATTER OF FACT ABOUT THE MASK

105. On or about March 20, 2020, Defendant Dr. Fauci said "*Do not wear a mask because it spread disease*"

106. *Defendant Dr. Fauci said when you touch the mask like for example, "...you touch the mask and rubbing in your eye, you can get more sicken than before..."*

107. *Defendant Dr. Fauci flip flop said where a mask.*

108. On or about March 20, 2021 Defendant Dr. Fauci said wear a mask.

109. On or about July 14, 2021 Defendant Dr. Fauci said wear two masks.

110. On or about January 19, 2020 Defendant Dr. Fauci said wear three masks.

111. On or about Defendant Anthony Fauci said "wear a in the airplane or trains".

AS FOR NATIONAL INSTITUTE FOR ALLERGY AND INFECTIONUS AS A DEFENDANT

112. On or about March 14, 2007 Defendant National Institute for Allergy and Infectious Diseases approve and granted permission to Defendant Anthony Stephen Fauci for funded scientists at the Wuhan Institute of Virology and other institutions for working on gain-of-function research on bat coronaviruses.

I. THE COVID-19 PANDEMIC IS A HOAX AND MADE UP BY THE GLOBALIST ELITES AND THE DEEP STATE CABAL AND MASK MANDATE AND COVID-19 VACCINE MANDATE MUST BE OVERTURNING BY THIS FEDERAL COURT.

113. Plaintiff has proof beyond of reasonable of the Covid-19 Pandemic is hoax

And Plaintiff attached a transcripts group of doctors and scientist stating that is so please Exhibit C.

114. The COVID-19 is 99 survival rate and 1 percent or more than 1 percent death rate to die from COVID-19.

115. Your chance from dying from COVID-19 is just like being struck by lightning.

116. Defendant Dr. Anthony Stephen Fauci talk about asymptomatic but was is science base for support because Plaintiff has a quoted Statement from doctors:

A. Proof beyond a reasonable doubt that COVID-19 is a hoax!

117. [Start of recorded material 00:00:00] (Professional Doctors Statements)

118. "Dolores Cahill: My name is Professor Dolores Cahill. My background is molecular biology and immunology, and I'm also here as president of the World Doctors Alliance and supporting ACU2020.org. It's my pleasure to be with my colleagues, including Dr. [Hipaa Shurning], Dr. [Mohammed Adel], and we're here to say that there is good news. The Coronavirus is a seasonal virus that causes illness and symptoms from December to April, and for people who have symptoms, there are treatments like inhaled steroids, hydroxychloroquine, and zinc, so there is no need for the lockdown. There is no need for fear. There's no need for masks, for social distancing or for quarantining people. They are locking people in their homes for last year's flu for where there is an effective treatment.

119. So we want to communicate this message to people. There is no need for fear, and I'm involved in a number of organizations. I've been standing up for academic freedom and freedom of speech. I'm chair of the Irish Freedom Party, and I'm encouraging all of you that are listening to this to get involved in new demographic and peaceful movements within your country, to stand for election, and to remove the politicians that are actually more harm than good. And also, as for free speech, I'm supporting a brand new group with doctors like Dr. Vernon Coleman in Ireland, and across the world, we are setting up a new custodian movement, custodians of our health, our heritage, and our freedom, and what we want to do, I support Dr. Hipaa Shurning as well in his fear of craft movement is to actually support businesses and new innovative technologies that actually help the values of freedom of speech and freedom of health so we will be looking at a new food movement, a new health

movement and to brand restaurants and hotels and airlines that respect our rights for freedom of movement, freedom of speech. And that we have the right to be informed about true health and the correct statistic about the disease and hold all the regulators and doctors and advisors of government that if they're saying things and taking away people's freedom and health that it needs to be supported by the evidence.

120. So as president of the World Doctors Association, I'm very happy to stand with these doctors today and to lead the march in Berlin which will be helpful, they'll be millions of people so that all of the doctors, regulators and politicians and people of the world will realize you can take off the masks and welcome to our side for freedom. Thank you very much.

121. Male Speaker: Yes. So this [unintelligible 00:02:32] experts, doctors and other scientists and activists all over the world and we have this good message to the people. We see no evidence of a medical pandemic. So it looks like a plandemic, and we altogether say we don't want this new normal. Suddenly, we don't want to go back to the old normal because the old normal created this new normal situation. We want better normal, and we want it together, with you. Thank you very much indeed. "

[End of recorded material 00:03:38]"

AS FOR THE CENTERS FOR DISEASE CONTROL; DR. ROCHELLE P. WALENSKY, MD, MPH
TRANSPORTATION SECURITY ADMINISTRATION AS A DEFENDANT

122. Upon taking office on **January 20, 2021**, CDC and TSA issued a series of executive orders addressing the COVID-19 pandemic. So called alleged President Biden issued the subject Executive Order on his second day in office, January 21, 2021. **See Exhibit A.-**(**Mask do not work is a proven science fact**)

123. **The CDC Executive Order mandates the wearing of masks on modes of transportation, including "(i) airports; (ii) commercial aircraft; (iii) trains; (iv) public maritime vessels, including ferries; (v) intercity bus services; and (vi) all forms of public transportation as defined in section 5302 of title 49, United States Code."** *Id.*; **86 Fed. Reg. 7205.**

124. **"The Executive Order cites no statutory authority to support its broad, sweeping mandate, and does not expressly refer to any national emergency to force travel mask up when there is no statutory requirement to force mask wear on passages as a matter of fact."**

125. Pursuant to the directive of the Executive Order, Defendant Dr. Rochelle P. Walensky, MD, MSH , acting on behalf of CDC in his official capacity and with the approval of Defendants

126. HHS, Becerra, and Walensky, issued the Mask Mandate on January 29, 2021, just eight days after the Executive Order. See Exhibit B. The Mask Mandate took effect at 11:59 p.m. on February 1, 2021.

127. Specifically, the Mask Mandate in part requires conveyance operators (and operators of transportation hubs) to use their best efforts to ensure that “any person on the conveyance wears a mask when board, disembarking, and for the duration of travel.” **86 Fed. Reg. at 8026**. Those best efforts include, *inter alia*, “instructing persons that Federal law requires wearing a mask on the conveyance and failure to comply constitutes a violation of Federal law.” *Id.* (emphasis added).

27. The latter directive constitutes an outright fabrication, as no such

“Federal law” exists.

128. The Mask Mandate cites as its statutory authority 42 U.S.C. 264(a), and as regulatory authority 42 C.F.R. §§ 70.2, 71.31(b), and 71.32(b). As further discussed below, none of those authorities provides a legal basis for the Mask Mandate.

129. From January 30, 2020, when the Defendant World Health Organization declared a “public health emergency of international concern” over the global outbreak of COVID-19, until the date of the Executive Order (a period of nearly one year), the United States government took no action to mandate the wearing of masks on travel conveyances.

130. Nevertheless, the Mask Mandate provides that it “is not a rule within the meaning of” the APA, “but is rather an emergency action taken under the existing authority of **42 U.S.C. 264(a) and 42 CFR 70.2, 71.31(b), 71.32(b).**” **86 Fed. Reg. 8030.**

131. The Mask Mandate further provides that, even if a court determines that it qualifies as a rule under the APA: Defendant World Health Organization notice and comment and a delay in effective date are not required because there is good cause to dispense with prior public notice and comment and the opportunity to comment on this Order and the delay in effective date. Considering the public health emergency caused by COVID-19, it would be impracticable and contrary to the public’s health, and by extension the public’s interest, to delay the issuance and effective date of this Order.”

132. Thus, even though the Defendant CDC had taken no action to publish any rule or other agency action of this sort for nearly an entire year since the COVID-19 pandemic was declared as a public health emergency, Defendants sought to justify by passing the normal rule-making procedures required by the APA – thus claiming a sweeping police power over every person seeking to board a public conveyance or even enter a transportation hub - by calling it an emergency.

133. As a consequence, Defendants require every person who enters a transportation hub or public conveyance in the United States, and every person onboard a conveyance arriving at or departing from a U.S. port of entry, to wear, at all times and with limited exceptions, a face-covering that covers the nose and mouth.

134. The practical result is that a traveler must wear a mask for hours, with very little respite except when actively eating or drinking. A typical transcontinental flight, for example, lasts for approximately five hours or more. The additional time spent entering an airport, checking in, clearing security, waiting for departure, deplaning, and retrieving luggage easily increases the time spent wearing a mask to at least seven hours or more. Non-direct flights that require a connection can add at least one to three hours to that total. A person flying non-direct from Tampa to San Francisco, for example, could easily end up having to spend ten hours or more wearing a mask.

135. The potential adverse health effects from this cannot be casually dismissed. Even healthcare workers who are trained in the use of masks have been susceptible to adverse effects from prolonged mask use during the COVID-19 pandemic: Headaches related to prolonged mask use can be attributed to mechanical factors, hypercapnia, and hypoxemia. Tight straps and pressure on superficial facial and cervical nerves are mechanical features causing headaches. Cervical neck strain from donning PPE, sleep deprivation, irregular mealtimes, and emotional stress are other sources of headaches among healthcare professionals during prolonged mask use. Tight fitting masks cause inadequate ventilation and increased levels of carbon dioxide (CO₂) known as hypercapnia. As CO₂ is a known respiratory stimulant, a buildup of exhaled CO₂ between the mask and face will cause increased lung ventilation and respiratory activity. Symptoms of hypoxemia such as chest discomfort and tachypnea are also noted in healthcare professionals with prolonged mask use. **Exhaled CO₂** builds up between the mask and face, and increased levels of CO₂ cause confusion, impaired cognition, and disorientation.¹

136. See Adverse Effects of Prolonged Mask Use among Healthcare Professionals during COVID-19 (Journal of Infectious Diseases and Epidemiology), available at <https://clinmedjournals.org/articles/jide/journal-of-infectious-diseases-and-epidemiology-jide6-130.php?jid=jide> (last viewed on July 10, 2021) (footnotes omitted). See also Does Wearing a Face Mask During the COVID-19 Pandemic Increase the Incidence of Dermatological Conditions in Healthcare Workers? Narrative Literature Review (National Library of Medicine), available at

137. Among the limited exemptions to the Mask Mandate are children under the age of 2 years. Defendants provide no epidemiological basis for this arbitrary cut-off age, and offer no discussion of the impact of prolonged mask-wearing on children of all ages, let alone adults.

138. . By comparison, the **Defendant WHO takes the position that children age 5 and under should not be required to wear masks at all, and that the use of masks for children aged 6 to 11** should be only under limited circumstances. (2) Recent evidence indicates that even short-term mask-wearing in children of all ages causes them to incur unacceptably high concentrations of CO₂ in their blood.

139. Defendants' selection of age 2 as the cut-off for an age exemption is thus completely **arbitrary**.

140. More broadly, the Defendant Federal Food and Drug Administration's position on the efficacy of masks in preventing the spread of COVID-19 for people of all ages has been equivocal. On the FDA's website regarding face masks, surgical masks, <https://pubmed.ncbi.nlm.nih.gov/34028470/> (last viewed in July 10, 2021).

2 See <https://www.who.int/news-room/q-a-detail/q-a-children-and-masks-related-tocovid-19> (last viewed on July 7, 2021).

141. In its umbrella Emergency Use Authorization ("EUA") for face masks to be used by the general public in response to COVID-19, the FDA recites that "the authorized face masks may be effective as source control to help prevent the spread of" COVID-19. See EUA dated April 24, 2020, attached hereto as Exhibit "C", at 3 (emphasis added). But even here, the FDA hedges its bet by prohibiting manufacturers of non-surgical masks from labeling their product: in such a manner that would misrepresent the product's intended use; for example, the labeling must not state or imply that the product is intended for antimicrobial or antiviral protection or related uses or is for use such as infection prevention or reduction.

Id. at 4.

142. . To make things more confusing, the Defendant FDA has revoked its EUAs for nonNIOSH5-approved respirator masks – available and are often used by members of the public.⁶ Even a well-informed consumer would find it difficult, if not impossible, to understand what types and brands of face masks have been authorized or approved, and for what purposes they can or should be used and, most significantly, which – if any – are regarded as safe to use for extended periods of time by the **National Institute for Occupational Safety** and Health. The Mask Mandate shows no indication that these concerns were considered and, if so, whether they were accorded any weight.

143. . --In addition to safety concerns, there are substantial reasons to doubt the efficacy of masks for controlling virus spread. A study published in the Emerging Infectious Disease Journal in May 2020 found that ten randomized controlled trials of the use of face masks to control the influenza virus, which is essentially the same size as the SARS-CoV-2 virus, showed no significant reduction in influenza transmission.⁷

144. . Similarly, as study of nearly two thousand United States Marine Corp recruits published in the New England Journal of Medicine in November 11, 2020,

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145. At present, there is only limited and inconsistent scientific evidence to support the effectiveness of masking of healthy people in the community to prevent infection with respiratory viruses, including SARS-CoV-2. A large randomized community-based trial in which 4862 healthy participants were divided into a group wearing medical/surgical masks and a control group found no difference in infection with SARS-CoV-2.⁹

146. Cloth masks, such as those generally used by the public, are particularly problematic according to a randomized controlled trial conducted with regard to the influenza virus in 2015. The study concluded that due to moisture retention, reuse of cloth masks and poor filtration, cloth masks may result in increased risk of infection.¹⁰

6 See <https://www.fda.gov/medical-devices/emergency-use-authorizations-medicaldevices/revoked-euas-non-niosh-approved-disposable-filtering-facepiece-respirators#china> (last viewed on July 8, 2021).

147. Thus, the Defendant FDA – the very agency charged with researching and understanding the efficacy of medical devices – has never been able to state whether

8 See So called SARS-CoV-2 Transmission among Marine Recruits during Quarantine | NEJM, available at <https://www.nejm.org/doi/full/10.1056/NEJMoa2029717> (last viewed on July 8, 2021).

9 **World Health Organization, Mask use in the context of COVID-19. Geneva, Switzerland, 1 December, 2020, available at**

https://apps.who.int/iris/bitstream/handle/10665/337199/WHO2019-nCov-IPC_Masks_2020.5-eng.pdf?sequence=1&isAllowed=y (last viewed on July 9, 2021).

148. Yet, with the stroke of a pen, Defendants imposed their sweeping Executive Order and Mask Mandate on nearly every traveler in the country. Plaintiffs' Standing to Seek Declaratory and Injunctive Relief

148. As alleged above, Plaintiff Gilbert Lau, Co-Plaintiff Joseph Barton, Co-Plaintiff Jose Mercado, that seeks to advocate for and educate the public on the topics of medical choice, bodily autonomy, and self-determination, and that opposes laws and regulations that force individuals to submit to the administration of medical products, procedures, and devices against their will. Several of Gilbert Lau, Co-Plaintiff Joseph Barton, Co-Plaintiff Jose Mercado, travel, or wish to travel, on interstate conveyances as defined by the Mask Mandate, are domiciled in the Northern District of New York, and are directly affected by the Mask Mandate, **as more fully set out in the Declarations attached hereto and made a part hereof as Composite Exhibit "P".** therefore would have standing in their own right to bring the causes of action asserted by Plaintiffs.

149. The interests at stake in this case are germane to HFDF's purpose, and neither the claims asserted nor the relief requested by HFDF require the individual participation of Lau. Lau therefore has standing to bring this case on behalf of its members, which presents a justiciable issue for the Court.

150. Plaintiffs thus have **Article III standing to bring this lawsuit**, as their dispute is concrete and not conjectural or hypothetical. Their injuries are fairly traceable to the CDC Executive Order and the Mask Mandate, and are redressable by this Court.

151. To the extent applicable, **Plaintiffs have statutory standing under the Administrative Procedure Act, 5 U.S.C. § 706**, because their claims at least arguably fall within the zone of interests implicated by the statutory violations asserted herein.

152. Plaintiffs have no adequate remedy at law for the ongoing violations and usurpations of constitutional and statutory authority alleged herein.

153. . All conditions precedent to bringing this lawsuit have been performed, excused, or waived.

A. AS FOR THE TRANSPORTATION SECURITY ADMINISTRATION AS A DEFENDANT

154. **Defendant the Transportation Security Administration is the one order mandate all Defendants Airlines Companies, Defendant Government Airlines agency like Defendant Sprits Airlines is the one responsible for mandating airline, air ports, and trains to** "Travelers who refuse to comply could face fines of \$250 or more. The Transportation Security Administration announced Friday that it has extended through Sept. 13 its orders requiring people to wear masks in transportation settings, including at airports, on commercial aircraft, and on buses and trains." See,

<https://www.cnbc.com/2021/04/30/tsa-mask-requirement-on-airplanes-extended.html#:~:text=The%20TSA%20on%20Friday%20extended,to%20expire%20on%20May%2011.>

1. Respirator masks – i.e., the kn95 masks that became widely

4 See <https://www.fda.gov/medical-devices/coronavirus-covid-19-and-medical-devices/face-masks-including-surgical-masks-and-respirators-covid19#:~:text=Source%20control%20refers%20to%20use,spread%20of%20respiratory%20secretions> (updated on June 30, 2021).

5 National Institute for Occupational Safety and Health



155. Plaintiff call the Defendant **Transportation Security Administration drop the mask mandate** including at airports, on commercial aircraft, and on buses and trains." See, <https://www.cnbc.com/2021/04/30/tsa-mask-requirement-on-airplanes-extended.html#:~:text=The%20TSA%20on%20Friday%20extended,to%20expire%20on%20May%2011> and Mr. Lau spoke a customer representative services woman and who was Kate was federal employee of the **The Transportation Security Administration must drop the mask mandate because this pandemic is hoax and Mr. Lau has proof beyond of reasonable doubt and Mr. Lau said over with Kate last unknown to the Plaintiff:**

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156. "Hello Kate:

157. The news you hear about death of COVID-19 is an actual man virus made by Wuhan, China.

158. I am not the virus is not confirmed which is genuine, but it does not need the restrictions. See you all around the world. This COVID-19 was a plan from the beginning of day one to take everyone's freedom away.

159. Mainstream media news that you hear about death of COVID-19 is about promoting fear pornography and pass on propaganda like WWII with Adolf Hitler as a campaign of:

160. Fear control and submission thought the words compliance which is, in fact, control.

161. Kate, do you know what "propaganda" is? Propaganda means "information, especially of a biased or misleading nature, used to promote or publicize a particular political cause or point of view. That is the Mainstream media news you believe is does not sin and is perfect as God.

162. I will repeat very strongly and urgently, "there was no pandemic, death rate did not go up a single percent. I know that it's shocking that the news would lie to you but look at the facts; the flu wants down. Homeless people are "not dead" in the street, and they do not wear a mask, and they breathe the fresh air by God, and they still are healthy and fine.

163. Defendant COVID exists, but there's no pandemic. The deaths you hear about COVID-19 are falsifying information like, for example, someone who die heat attack or stroke and doctors fraudulent write-down COVID-19 because the Government gives the hospital and doctors.

164. Meaning 80 percent of COVID is cancer, leukemia, bone disease, heart failure, old age, which are COVID remedies; there are the facts. You just more facts and logic and science are given by me in an entire hour than the Propaganda Mainstream media news.

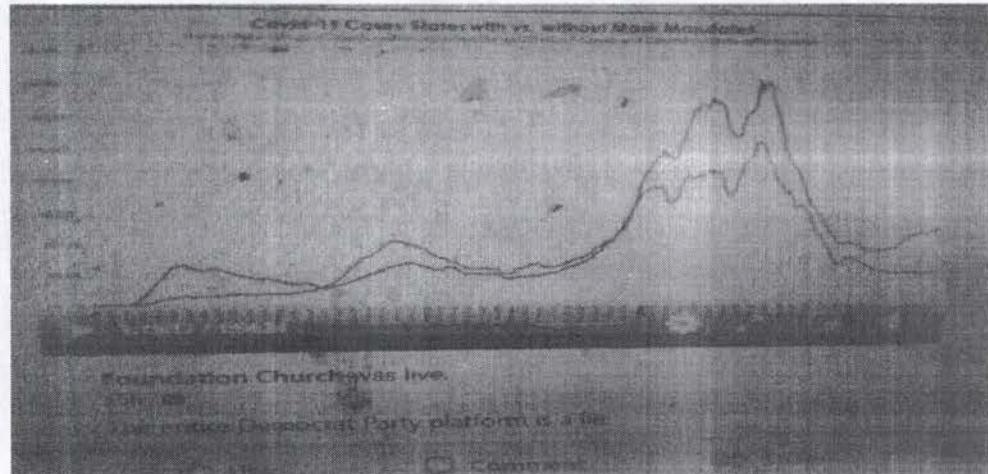
165. **COVID remedies, cancer, leukemia, bones disease, heart failure, old age and they count as COVID because you get \$12.000 dollars.**

166. That means die-off COVID, not with COVID meaning is exaggerated that why is a hoax.

"

3 A recently-published study of the effects of masks on children in Germany showed that, after only three minutes of breathing with a mask, children of ages ranging from 6 to 17 years accumulated CO2 levels that far exceeded acceptable levels established by the German government. See Experimental Assessment of Carbon Dioxide Content in Inhaled Air With or Without Face Masks in Health Children (JAMA Pediatrics June 30, 2021), available at <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2781743?appId=scweb> (last viewed on July 7, 2021).and respirators, it states that "[m]asks may help prevent people who have COVID19 from spreading the virus to others. . . . Wearing a face mask may limit exposure to respiratory droplets and large particles and may help prevent people who have COVID-19 from spreading the virus."4 (emphasis added).

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Covid-19 Cases States with vs. without Mask Mandate Chart No. 1

167. ... "We are comparing Spring ISD, which has a mask mandate in place, to Humble ISD, which does not....

168. ...According to Humble ISD, there are 51,758 students and staff combined. Since Aug. 10, the district reports 2,378 positive cases... (by wearing a mask.

169. See, Exhibit A that Mask-Ineffectiveness or Please see, **Annexed as Exhibit A hereto is a true and correct copy of MASK-INEFFECTIVENESS.**

-2.7-

AS FOR SPIRST AIRLINES AS A DEFENDANT

(Write a demand to SPIRST AIRLINES cease and desist letter)

170. Plaintiff was on flights with the Defendant Spirit Airlines on *flight 245 from O'Hare to Las Vegas was delayed 20 minutes on November 15 due to two passengers who refused to wear their face coverings. Our Team Members gave them the opportunity to comply, asked them to leave the aircraft when they refused and called the police when they disregarded this request and remained on board. The passengers left on their own once police arrived. This kind of behavior is unfair to everyone else on board, and it's unacceptable.*

171. *"Spirit has a strict face covering policy for the safety our Guests and Team Members. US airlines have banded together to ensure passengers know we take face covering policies seriously. Unfortunately, that means we all have to deal with people from time to time who don't want to follow the rules. If a passenger refuses to comply with the policy or is verbally abusive toward our crew regarding the policy, we don't allow them to fly with us and they risk being banned from future flights with Spirit. Our policy for face coverings is shared on our website, in advance emails, and it's also included in our health acknowledgement during the check-in process. This is infringe federal constitutional rights as matter of Fact.*

172. Plaintiff wrote a latter CEO of Defendant Spirit Airlines dated 10/12/2020 attached hereto Exhibit K-Letter to CEO Mr. John Doe of Defendant Spirit Airlines

- a. This is Fact and annexed hereto Exhibit A-Letter to CEO of Defendant Spirit Airlines reads: "Spirit Airlines reiterated its policy of wearing only masks approved by the Centers for Disease Control and Prevention after a passenger refused to wear anything other than his neck gaiter, which does not meet CDC standards." Defendant Spirit Airlines mandate **Masks are oppressive because deprive civilly liberties and infringe federal constitutional rights and how is** interfere with ... "personal liberty and constitutional rights," such as freedom of speech, right to privacy, due process, and the "constitutionally protected right to enjoy and defend life and liberty"
- b. **It interfere with** constitutionally protected right to enjoy and defend life and liberty it prevent the God give right to (breath) freely. It violate a person there human right to (Breath) and socialized medicine and free choice medicine
- c. **The way and how is infringe** personal liberty is that is: "**my body and my choice**" like abortion arguments therefore reasons it constitutes violate

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to the right to privacy because is violations of personal liberty is that is:
"my body and my choice"

d. The way and how is infringe of freedom of speech:

1. **Prohibit opposition on freedom not to wear a masks on sham pandemic**
2. **Keeping your jobs without questing masks mandate**
3. **Transacting business without questing masks mandate**
4. **to travel without freedom to opposition masks mandate."**

e. The way and how is infringe of freedom of religion:

f. The way and how is infringe due process is "nor be deprive of life, liberty, or property, without due process of law by: A. Prohibit the liberty to breathe freely and breathe is part of life in both 5th amendment and 14th amendment of the Federal Constitution of the United States.

173. **The way and how is infringe of** right to privacy under 4th Amendment IV of the Constitutional Constitution of the United States "the right of the people to be secure in their persons, houses, papers,....."

174. **See, Plaintiff letter to CEO of Defendant Spirit Airlines is violation to people and is an infringe federal constitutional rights.**

175. Furthermore, Plaintiff additional complaint address to the CEO of Defendant Spirit Airlines attentional about complained about Defendant John Doe (Mario), annexed hereto **Exhibit A**, quoting: as re-cited on paragraph on 43 to 45.

176. Defendant Spirit Airlines never reply back to the Plaintiff in writing nor the the CEO of Defendant Spirit Airlines.

177. Plaintiff was ban Spirit Airlines in flight number 245 from O'Hare to Las Vegas and was delayed 20 minutes on November 15 due to two passengers who refused to wear their face coverings and Plaintiff was one of the two passengers who refused to wear their face coverings than ban eventually sequentially later on ban to ever fly again in Defendant Spirit Airlines sham or fake pandemic in the world as matter of **See, Exhibits A, B, C, D, and E.**

178. Plaintiff **Attach Exhibit B**-Dr. Simone Gold, MD, ESQ., JD, FABM on Masks-Civil Liberties own by her statement as exhibit B and Plaintiff's (expect witness herewith as pretention expert witness.) is proof by who is a license medical doctor and a license lawyer that denounce masks mandates as matter of Fact.

179. Dr. Simone Gold, MD, ESQ., JD, FABM said in her statements:

- a. "It is clear to me as a physician-lawyer that the disinformation about both Covid-19 and the Constitution has caused us to turn a medical issue into a legal crisis. The scientific usefulness of a mask has been so aggressively overstated,

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and the foundational importance of the Constitution has been so aggressively understated, that we have normalized people screaming obscenities at each other while hiking. The Covid virus was supposed to be contained in the kind of lab where people wear astronaut suits and go through triple sealed doors.

- b. It is a con of massive proportion to assert that now, having escaped those environs, a bandana will magically do the trick. After all, size matters. The pore size of cloth face coverings range from ~ 20-100 microns. The Covid virus is 200-1000x smaller than that, at 0.1 microns. Putting up a chain link fence will not keep out a mosquito. Even the most esteemed medical journals admit their purpose is to calm anxiety. "Expanded masking protocols' greatest contribution may be to reduce the transmission of anxiety ..." Of course, by knowledge or common sense observation, most Americans already know that masking everyone is superstition. But unlike privately carrying a lucky charm, mandating facial coverings requires the consent of the governed. Many cultures mandate clothing that appears totally irrational to outsiders. Never have those cultures pretended that there is a scientific basis for their clothing requirement. Their leaders rule, and their citizens accept, that their choice of clothing is due to religious or cultural preference. Not wearing a mask is not mere "personal choice" like deciding between a head covering or a t-shirt. It is a flashpoint for being a free human being who has consented to be governed but has not consented to be ruled. We do not consent to a masked America, because that is a fundamental change in American society, culture, norms, and rights.
- c. People who are apathetic toward their own liberty cannot eliminate Constitutional rights for those who are not. This is not the first (or last) time that people who believe in superstition are screaming the loudest. The Constitution exists precisely to protect all people during times of mass hysteria. The mask has become the most visible symbol of #social conditioning to Americans determined to preserve individual freedom.
- d. Thus far most Americans have continued to give their consent to be governed. But you are trying our patience."

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POINT I

**DEFENDANT SPIRST AIRLINES CELLPHONE INTERVIEW BEING PRESIDING OR HOSTED BY GILBERT LAU
ON DEFENDANT SPIRST AIRLINES EMPLOYEES**

180. Plaintiff fact interview Defendant Sprits Airlines by cellphone with Customer Services employee on November 30, 2020, at an approximate time 8:30 AM. **Annexed as Exhibit B hereto is a true and correct copy of Transcript of Defendant Sprits Airlines by cellphone with Customer Services employee John Doe on November 30, 2020 at an approximate time 8:30 AM.**

181. Plaintiff submits a duly certify transcript of Defendant Sprits Airlines of an interview between Plaintiff Gilbert Lau and Customer Services employee for Defendant Sprits Airlines by cellphone interview and please see duly certify transcript of Defendant Sprits Airlines by cellphone interview as Exhibit) : Speaker: "Thanks for calling Spirit. [Phone message]. We greatly value your business and the opportunity to serve your travel needs. Rest assured, we are constantly evolving our procedures to maintain a clean environment for you and your loved ones. Traveling soon? We currently require all guests to wear face coverings when traveling with Spirit. See all we're doing to keep you healthy by visiting our Covid-19 Information Center Page at www.spirit.com/notices. Did you know you can message us on [unintelligible 00:00:55] or SMS? Press one for real-time responses. Due to Covid-19, some destinations may have changing travel requirements and restrictions. We recommend guests visit local government websites for more information before traveling. Links to some of these sites can be found at Spirit.com/notices. Go to travel updates and look for your destination. If you'd like to participate in a survey, please stay on the line at the end of the call. To book a new flight, press one. For existing reservations, press two. For che- remember, booking online at Spirit.com will save you the \$25 per guest phone charge. If you're calling about a new booking, press one. If you're booking a vacation package press two. I see that you are calling from 917-279-3635. Is this the best number to use for the reservation? Say yes or no. Are you booking a roundtrip? I didn't get that. Are you booking a roundtrip? I'm sorry. I still didn't get that. Are you booking a roundtrip? Please hold while you're transferred to a – have you heard? The new Free Spirit Loyalty Program is launching on January 21st. It will be the fastest way to earn regards and status. Free Spirit members will earn points for every dollar spent and can redeem those points on any flight. Visit Spirit.com/freespirit to sign up and learn more. Ready for more go? With the Spirit app you can easily manage all your trips in one place. Book your next getaway, check in for your flight and get your boarding pass. Travel faster and lighter than ever before with your new travel app companion. Download it today. [Phone ringing]."

182. Speaker: "How are you? Thank you for calling Spirit Airlines. [Unintelligible 00:02:56]. May I please have your name, the call information hold and the name of [unintelligible 00:03:00]."

183. Mr. Gilbert Lau: "I have no confirmation call, [unintelligible 00:03:02]. I just wanted to ask about the flight policies. I want to know about your flight policies. Can you give me your flight policies, please?"

184. Speaker: "No problem. And, sir, with regards to what exactly, cancellations or booking or [unintelligible 00:03:21]?"

185. Mr. Gilbert Lau: "Above Covid-19."

186. Speaker: "Or would you just like me to advise you on all -"

187. Mr. Gilbert Lau: "Covid-19."

188. Speaker: "OK. OK. No problem. So with regards to Covid-19, just allow me to open up an article to make sure that [unintelligible 00:03:42]."

189. Mr. Gilbert Lau: OK.

190. Speaker: "OK. Just a few seconds. Let me see. With regards to Covid-19, we do have [unintelligible 00:04:050] for that. You will find that our [unintelligible 00:04:06]. Just to make sure that the distance between one passengers to the other has been observed. And also, we do have frequent cleaning of wipes at every ticket counter and also we have HEPA filters which actually do purify the air in the plane after every three seconds."

191. Mr. Gilbert Lau: See he doesn't --

192. Speaker: "And besides that we do have [unintelligible 00:04:38] equipment and disinfectant which I usually use on frequent touch areas of the plane. And also, we have our on board face mask policy whereby each and every passenger at every particular time in the plane needs to have the face mask on. And also in some areas where we do have travel restrictions you will find that they will require a Covid

test [unintelligible 00:05:12] test before boarding the plane, [unintelligible 00:05:15] they're negative and in other areas like Las Vegas and Los Angeles actually whereby there is actually a travel advisory that has been issued that you need to fill in a travel form on the website and failure to do that, you will incur a charge of \$500 and you need to quarantine once you get to that destination. "

193. Mr. Gilbert Lau: "You get paid \$500 for what? What?"

194. Speaker: "So that one is with regards to Los Angeles. Yeah, with regard basically to Los Angeles. There was a travel restriction that was issued whereby the passengers are required to quarantine and before traveling, they need to fill in a form stating that they will quarantine by themselves and failure to fill in that form, it's actually on the website, and failure to fill in that form will incur a fine from the government that is. Not from Spirit Airlines."

195. Mr. Gilbert Lau: "OK. What happens if someone does not want to wear a face mask? What happens if someone does not comply? Just curious."

Speaker: "OK. So for that, that will be" – "you might be asked to get out of the plane because the thing is you will be putting yourself at risk and also other passengers at risk. So it is highly advisable for our passengers to have the face mask on throughout the entire trip."

196. Mr. Gilbert Lau: "OK. All right. Thank you. Appreciate it."

197. Speaker "You're welcome and thank you so much for calling Spirit Airlines and I do hope that I have answered each and every of your questions and I do wish you a fantastic day and all the same, you can actually check out our website and [unintelligible 00:07:12]. It will clarify on this particular topic that you have inquiries for. Besides that, you should stay on the line for a brief two-question survey to rate my service. I would highly appreciate that and happy holidays to you."

198. Mr. Gilbert Lau: "OK. Thank you."

199. Speaker: "And your family."

200. M. Gilbert Lau: Thank you.

[End of recorded material 00:07:37]

TIME NOTED: [End of recorded material 00:07:37]

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UNITED AIRLINES AS DEFENDANT

201. Plaintiff Lau in fact has a legal mask Exemption because Due to my Schizoaffective Disorder and Developmental disability I can't tolerate wearing a face mask. Covering my nose and mouth and mask wearing is not safe because the fact when wear a mask is not safe. I was very dizzy and less conscience and furthermore, mask wearing give me anxiety issues.

202. Federal and State Law prohibits prescribing medical procedures by anyone other than a licensed medical physician. Denial of entry to any business or organization may also result in penalty from Civil Litigation.

203. Penalties may also apply under TITLE-18: Code 241 & 242 Deprivation of Rights under Color of Law. Department of justice ADA Violation 800-514-0301.

204. Plaintiff quoted to the Defendant United Airlines his Exemption card, "Gilbert Lau is hereby exempt by law –under ADA ACT of Sec. 12181, New York State Human Rights Law §292.21, §292.21-e, §295.5, §296.3 and §296.3-a. (a) Reasonable accommodation"

205. Defendant United Airlines did not care but they kicked off an airplane because Plaintiff because the Plaintiff wasn't wearing the mask and the Plaintiff is Exempt by federal and state to wear a mask and Defendant United Airlines did the same thing to another Family gets kicked off an airplane because their two-year-old an airplane because wasn't wearing the mask

206. This whole mask thing has gone way too far. Trying to force a 2-year-old to comply and wear a mask. And the sheep that go along with it and to plaintiff Gilbert Lau is a person who is defined by the American with Disabilities should be accommodated not wear masks by the Defendant United Airlines.

207. Plaintiff Gilbert Lau suffers from mental disabilities, which impair his ability to perform normal life activities; and which are ostensibly under the ADA Act and Exec's definitions. Law. (NYSHRL) and furthermore, Defendant United Airlines did not care but they kicked off an airplane because Plaintiff because the Plaintiff wasn't wearing the mask and alone with another Family gets kicked off an airplane because their two-year-old an airplane because wasn't wearing the mask.

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DEFENDANT UNITED AIRLINES PROVIDED AN ALTERNATIVE ACCOMMODATIONS TO
PLAINTIFF GILBERT LAU AND LIKE OTHERS THAT WHO IS SIMILARLY SITUATED TO PLAINTIFF

GILBERT LAU AND PLAINTIFF WAS SEXUALLY ASSAULTED FOR REFUSING TO NOT WEAR A MASKS ON THE PLANE AS A MATTER OF FACT

208. Defendant United Airlines should provide Alternative Accommodation to Plaintiff Gilbert Lau and similarly situated like that 2 year girl was in the same plane as the Plaintiff and the family of the 2 years little girl set the opposite side across where the plaintiff was sitting down and then later on Family gets kicked off an airplane because their two year old won't wear a mask and including the plaintiff gets kicked off an airplane because Plaintiff won't wear a mask simultaneously as the Family gets kicked off an airplane because their two year old won't wear a mask and the plaintiff has a Exemption card, "Gilbert Lau is hereby exempt by law –under ADA ACT of Sec. 12181., New York State Human Rights Law §292.21, §292.21-e, §295.5, §296.3 and §296.3-a. (a) Reasonable accommodation" This is all complete and total madness.

209. The Defendant United Airlines did not allow the Plaintiff to have no fair Reasonable accommodation by give him a special pass not to wear a face mask nor face shield and therefore Defendant United Airlines has violated Plaintiff under ADA ACT of Sec. 12181 of federal law as a matter of stated fact.

210. Defendant United Airlines in fact about eight hours into the fight, Plaintiff got up from his seat to use one of the aircraft bathrooms located in the rear of the plane.

193. Plaintiff entered the aircraft bathroom. Before Plaintiff locked the door behind him, Defendant United Airlines Officer Doe pushed his way into the bathroom, without Plaintiff's consent.

194. Defendant United Airlines Officer Doe forced Plaintiff to unbutton and lower Plaintiff's pants and face the bathroom sink.

195. Defendant United Airlines Officer Doe then sodomized Plaintiff with a baton-like object, without Plaintiff's consent.

196. Defendant United Airlines Officer Doe used his booted foot to kick Plaintiff and pin down Plaintiff's calf to prevent Plaintiff from fleeing.

197. While Defendant United Airlines Officer Doe sodomized Plaintiff, he made offensive and derogatory statements about Plaintiff's disability, including, "You are a retarded motherfucker," and "Eat your shit, you retarded motherfucker."

198. Defendant United Airlines Officer Doe sodomized Plaintiff for several minutes because Plaintiff won't wear a mask and the plaintiff has an Exemption card.

199. When Defendant United Airlines Officer Doe finished sodomizing Plaintiff, he threatened Plaintiff not to tell anyone what had happened. Defendant United Airlines Officer Doe then left the aircraft bathroom with his baton all because Plaintiff won't wear a mask simultaneously as the Family gets kicked off an airplane because Plaintiff won't wear a mask and the plaintiff has an Exemption card, "Gilbert Lau is hereby exempt by law –under ADA ACT of Sec. 12181., New York State Human Rights Law §292.21, §292.21-e, §295.5, §296.3 and §296.3-a. (a) Reasonable accommodation" This is all complete and total madness.

AS FOR AMTRAK National Railroad Passenger Corporation (Amtrak) AS A DEFENDANT

200. On or about November 23, 2020, on Monday Plaintiff traveled from New York to the Albany New York for a brief vacation. On or about November 23, 2020, Plaintiff ride on board a Defendant AMTRAK as Amtrak (aka: National Railroad Passenger Corporation as federal government) own see, google.com. Plaintiff was order, directed and mandated by the Defendant Amtrak that masks the new normal as matter. Defendant Amtrak threatened the Plaintiff, if the Plaintiff refuse to comply with the new mandate than he will forever travel ban as matter of Fact.

202. Plaintiff checked into and ride at Defendant Amtrak pursuant to the aforementioned agreement from November 23, 2020 until November 30, 2020, without incident November 23, 2020, Defendant Amtrak by and through its agents including but not limited to John Doe and Jane Doe train conductors ejected and removed Plaintiff against his will from the subject, the aforementioned agreement notwithstanding and Defendant Amtrak alleges the Plaintiff refuse to comply with the new mandate and now Plaintiff is ban for forever.

AS FOR SPIRIT AIRLINES AS A DEFENDANT

203. Plaintiff call Defendant Spirit Airlines on November 30, 2020 approximate time of 7:34 AM and male customer services employee and tap the phone conversation **Annexed as Exhibit E hereto is a true and correct copy of Transcript of cellphone with the Defendant** Spirit Airlines on November 30, 2020 approximate time of 7:34 AM and male customer services employee and tap the phone conversation with both the Plaintiff Gilbert and **Defendant** Spirit Airlines- customer services employee-John Doe:

AS FOR AMTRAK National Railroad Passenger Corporation (Amtrak) AS A DEFENDANT

204. On or about November 23, 2020, on Monday Plaintiff traveled from New York to the Albany New York for a brief vacation. On or about November 23, 2020, Plaintiff ride on board a Defendant AMTRAK as Amtrak (aka: National Railroad Passenger Corporation as federal government) own see, google.com. Plaintiff was order, directed and mandated by

the Defendant Amtrak that masks the new normal as matter. Defendant Amtrak threatened the Plaintiff, if the Plaintiff refuse to comply with the new mandate than he will forever travel ban as matter of Fact.

205. Plaintiff checked into and ride at Defendant Amtrak pursuant to the aforementioned agreement 15. from November 23, 2020 until November 30, 2020, without incident November 23, 2020, Defendant Amtrak by and through its agents including but not limited to John Doe and Jane Doe train conductors ejected and removed Plaintiff against his will from the subject, the aforementioned agreement notwithstanding and Defendant Amtrak alleges the Plaintiff refuse to comply with the new mandate and now Plaintiff is ban for Amtrak travel.

A. SPIRST AIRLINES CELLPHONE

CELL PHONE ADUO RECRDING TAP STATEMET

[Start of recorded material 00:00:00]

206. Speaker: "Thanks for calling Spirit. [Phone message]. We greatly value your business and the opportunity to serve your travel needs. Rest assured, we are constantly evolving our procedures to maintain a clean environment for you and your loved ones. Traveling soon? We currently require all guests to wear face coverings when traveling with Spirit. See all we're doing to keep you healthy by visiting our Covid-19 Information Center Page at www.spirit.com/notices. Did you know you can message us on [unintelligible 00:00:55] or SMS. Press one for real-time responses. Due to Covid-19, some destinations may have changing travel requirements and restrictions. We recommend guests visit local government websites for more information before traveling. Links to some of these sites can be found at Spirit.com/notices. Go to travel updates and look for your destination. If you'd like to participate in a survey, please stay on the line at the end of the call. To book a new flight, press one. For existing reservations, press two. For che- remember, booking online at Spirit.com will save you the \$25 per guest phone charge. If you're calling about a new booking, press one. If you're booking a vacation package press two. I see that you are calling from 917-279-3635. Is this the best number to use for the reservation? Say yes or no. Are you booking a roundtrip? I didn't get that. Are you booking a roundtrip? I'm sorry. I still didn't get that. Are you booking a roundtrip? Please hold while you're transferred to a - have you heard? The new Free Spirit Loyalty Program is launching on January 21st. It will be the fastest way to earn regards and status. Free Spirit members will earn points for every dollar spent and can redeem those points on any flight. Visit Spirit.com/freespirit to sign up and learn more. Ready for more go? With the Spirit app you can easily manage all your trips in one place. Book your next getaway, check in for your flight and get your

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boarding pass. Travel faster and lighter than ever before with your new travel app companion. Download it today. [Phone ringing].

207. How are you? Thank you for calling Spirit Airlines. [Unintelligible 00:02:56]. May I please have your name, the call information hold and the name of [unintelligible 00:03:00].

208. Mr. Gilbert Lau: I have no confirmation call, [unintelligible 00:03:02]. I just wanted to ask about the flight policies. I want to know about your flight policies. Can you give me your flight policies, please?

209. Speaker: No problem. And, sir, with regards to what exactly, cancellations or booking or [unintelligible 00:03:21]?

210. Mr. Gilbert Lau: Above Covid-19.

211. Speaker: Or would you just like me to advise you on all --

212. Mr. Gilbert Lau: Covid-19.

213. Speaker: OK. OK. No problem. So with regards to Covid-19, just allow me to open up an article to make sure that [unintelligible 00:03:42].

214. Mr. Gilbert Lau: OK.

215. Speaker: OK. Just a few seconds. Let me see. With regards to Covid-19, we do have [unintelligible 00:04:050] for that. You will find that our [unintelligible 00:04:06]. Just to make sure that the distance between one passengers to the other has been observed. And also, we do have frequent cleaning of wipes at every ticket counter and also we have HEPA filters which actually do purify the air in the plane after every three seconds.

216. Mr. Gilbert Lau: See he doesn't --

217. Speaker: And besides that we do have [unintelligible 00:04:38] equipment and disinfectant which I usually use on frequent touch areas of the plane. And also, we have our on board face mask policy whereby each and every passenger at every particular time in the plane needs to have the face mask on. And also in some areas where we do have travel restrictions you will find that they will require a Covid test [unintelligible 00:05:12] test before boarding the plane, [unintelligible 00:05:15] they're negative and in other areas like Las Vegas and Los Angeles actually whereby there is actually a travel advisory that has been issued that you need to fill in a travel form on the website and failure to do that, you will incur a charge of \$500 and you need to quarantine once you get to that destination.

220. Mr. Gilbert Lau: You get paid \$500 for what? What?

221. Speaker: So that one is with regards to Los Angeles. Yeah, with regard basically to Los Angeles. There was a travel restriction that was issued whereby the passengers are required to quarantine and before traveling, they need to fill in a form stating that they will quarantine by themselves and failure to fill in that form, it's actually on the website, and failure to fill in that form will incur a fine from the government that is. Not from Spirit Airlines.

222. Mr. Gilbert Lau: OK. What happens if someone does not want to wear a face mask? What happens if someone does not comply? Just curious.

223. Speaker: OK. So for that, that will be – you might be asked to get out of the plane because the thing is you will be putting yourself at risk and also other passengers at risk. So it is highly advisable for our passengers to have the face mask on throughout the entire trip.

224. Mr. Gilbert Lau: OK. All right. Thank you. Appreciate it.

225. Speaker: You're welcome and thank you so much for calling Spirit Airlines and I do hope that I have answered each and every of your questions and I do wish you a fantastic day and all the same, you can actually check out our website and [unintelligible 00:07:12]. It will clarify on this particular topic that you have inquiries for. Besides that, you should stay on the line for a brief two-question survey to rate my service. I would highly appreciate that and happy holidays to you.

226. Mr. Gilbert Lau: OK. Thank you.

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227. Speaker: And your family.

228. M. Gilbert Lau: Thank you."

[End of recorded material 00:07:37]

FLIGHT 245

AS FOR JOHN DOE (AKA MARRIO) AS A DEFENDANT

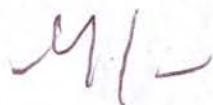
A. SPIRIT AIRLINES FLIGHT 245

229. Plaintiff was in flight No. 245 in the Defendant Spirit Airlines Flight and Defendant officer John Doe aka Marrio an Employee Statement that the Fact by his own mouth or words that the Defendant Spirit Airlines Flight and Defendant officer John Doe aka Marrio is a federal government-owned corporation and they are the federal government and upon information and nature belief established in 1971 to provide intercity passenger airlines service throughout the United States.

Annexed as Exhibit F hereto is a true and correct copy of Transcript of Defendant Spirit Airlines Flight 245 and Defendant John Doe aka Marrio.

230. Mario: "If I have to ask you more than once to cover your nose, mouth, put your mask on, we are not going to be rude, we are not going to be nasty. We are going to simply take your seat number and your name and when we get where we're going you will either be arrested, fined, but you will also be placed on the no fly list meaning you will not be able to fly any airline for the rest of your life."

231. Mr. Gilbert Lau: Hm.



232. Marrio: "So please, again, I'm saying this because there is usually always that one person and I really don't want to have to do the extra paperwork and do more I'm intended for my job. So if you do not agree or want to do what needs to be done, you're more than welcome to exit at this time. We have about nine more minutes left but I'm going to give everybody a fair opportunity to let you know what is happening. Also, I'm not really sure what's going on with all these videos going viral of passengers attacking each other and/or flight attendants. Let me remind you. We are government officials. And it's government property. If you choose to act out of content or character on this aircraft, you will be arrested and face 20 years in prison and you will also receive a \$250,000 fine. If a weapon is used you will face life in prison so before anybody gets creative, want to feel foggy, want to be bad, be a superhero, let me let you know what's going on. With that being said, if you didn't like what I had to say, my name is [Marrio], that's with two RRs, don't forget to dot the I."....."

233. Marrio: Hi Marrio.

234. Mr. Gilbert Lau: [Unintelligible] Spirit Airlines –

235. Defendant John Doe aka "Marrio is officer John Doe aka Marrio is, upon information and belief, a resident of the State of New York. Officer Doe is an African American, mindset man in his 25s or 35s. Officer Doe was acting in furtherance of his employment as described in this Second Amended Complaint."

236. Plaintiff's asks the fact Defendant John Doe aka "Marrio where Defendant Marrio stated Defendant Spirit Airlines is a) is a government-owned corporation established in 1971 to provide intercity passenger train service throughout the United States founded in 1971 as a quasi-public corporation to operate many US passenger and the Defendant Spirit Airlines receives a combination of state and federal subsidies but is managed as a for-profit organization and that is a fact.

237. Plaintiff's has informed Defendant Marrio that Plaintiff has exemption card.

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AS FOR AMERICAN AIR FIGHT 2198 AS A DEFENDANT

238. Plaintiff book a fight with the Defendant American Air on Fight number 2198, and Plaintiff that I want and I have right for accommodations for wheelchair and to be masks Exemption and by the **under ADA ACT of Sec. 12181**, New York State Human Rights Law §292.21, §292.21-e, §295.5, §296.3 and §296.3-a. (a) Reasonable accommodation by federal and state law the Plaintiff must be accommodating. Defendant American Airlines stated that they had no problem providing Reasonable accommodation not to wear a mask and a wheelchair for Plaintiff Lau.

- 239. Plaintiff took a private car to Charlotte, NC, for a personal business approximate date was on January 7, 2021.
- 240. About 1:72 hours into the fight, Plaintiff got up from his seat to use one of the aircraft bathrooms located in the plane's rear.
- 241. Plaintiff entered the aircraft bathroom. Before Plaintiff locked the door behind him, AA fight attended pushed his way into the bathroom without Plaintiff's consent.
- 242. AA fight attended Doe forced Plaintiff to unbutton and lower Plaintiff's pants and face the bathroom sink.
- 243. AA fight attended then sodomized Plaintiff with a baton-like object, without Plaintiff's consent.
- 244. AA fight attended used his booted foot to kick Plaintiff and pin down Plaintiff's calf to prevent Plaintiff from fleeing.
- 245. While AA fight attended sodomized Plaintiff, he made offensive and derogatory statements about Plaintiff's disability, including, "You are a retarded motherfucker," and "Eat your shit, you retarded motherfucker."

246. November 22, 2020 Plaintiff made agreement arrangements between with Plaintiff and Defendant **American Air on Fight number 2198 prior before the Plaintiff trip to Washington DC from Washington DC on Fight number 2198 on January 7, 2021 to provide fair reasonable accommodation** not to wear a mask and a wheelchair for the Plaintiff Lau and the Defendant **American Air on Fight number 2198 breach their agreement to the Plaintiff on the fight back to New York State.**

247. "She made a joke about wearing a mask so they kicked her off. People on the plane begged the flight attendant to leave her alone....."

248. "A Trump supporter was kicked off AA2198 from Charlotte to Washington yesterday evening. The narrative on conservative Twitter is that the Trump supporter was kicked off for making a joke about wearing masks.

249. "But the video online, which is filmed once an American Airlines supervisor boards the plane (in other words, after the actual incident), tells a slightly different story:

- 250. The lady being kicked off claims "I was making a joke with you" and says "I have a very dry sense of humor"
- 251. The lady then starts yelling "this is America, this is America, this is supposed to be the United States of America, the Constitution says we're supposed to be a free people, to do what we want to do"
- While the narrative is that she was being kicked off for making a joke, 76 seconds into the video you can hear her tell the supervisor "sir, I put the mask on"
- 252. We don't know exactly what happened, but it's absolutely clear that at least part of the issue here was mask compliance, rather than a mask joke, and we know that airlines take a zero tolerance approach to mask compliance, for good reason
- 253. Based on the context, I think the most likely explanation is that there were some issues with her mask compliance, and then when she was confronted about it by the crew, she made a joke, and they weren't having it.
- 254. Plaintiff was kicked off AA2198 from Charlotte to Washington yesterday evening as some as the Trump because he cannot wear a mask because thereby unsafely restricting the flow of oxygen, and causing the accumulation of bacteria and carbon dioxide, as a condition of being in the airplane and purchasing tickets and receiving services.
- 255. Plaintiff was on Plane with that Trump support Woman on the Defendant American's Airlines and the fight attended employee kick the plaintiff out fight no AA2198 because Plaintiff cannot wear a mask and the fight attended employee kick the Trump supporter in the same time as the plaintiff as well dispute the she was wear the mask in fight no. AA2198.

256. Plaintiff Told Defendant American's Airlines fight attended that the Plaintiff's cannot wear a mask because thereby unsafely restricting the flow of oxygen, and causing the accumulation of bacteria and carbon dioxide, as a condition of being in the train and purchasing tickets and receiving services.

- 257. The Fight attended of Defendant American's Airlines fight said to the Plaintiff Lau "fuck you"!
-

AS FOR AMTRAK National Railroad Passenger Corporation (Amtrak) AS A DEFENDANT

258. On or about November 23, 2020, Plaintiff traveled from New York to Albany, New York, on Monday for a brief vacation. On or about November 23, 2020, Plaintiff rides onboard a Defendant AMTRAK as Amtrak (aka National Railroad Passenger Corporation as the federal government) see, google.com. Plaintiff was ordered, directed, and mandated by Defendant Amtrak that masks the new normal as matter. Defendant Amtrak threatened Plaintiff, and if Plaintiff refuses to comply with the new mandate, he will forever travel ban. **Annexed as Exhibit K hereto is a true and correct copy of Transcript of Defendant Amtrak National Railroad Passenger Corporation ("Amtrak) stating with no legal authority citation that Defendant Amtrak can ban the travel forever)**

259. Plaintiff checked into and ride at Defendant Amtrak pursuant to the aforementioned agreement from November 23, 2020 until November 30, 2020, without incident November 23, 2020, Defendant Amtrak by and through its agents including but not limited to John Doe and Jane Doe train conductors ejected and removed Plaintiff against his will from the subject, the aforementioned agreement notwithstanding and Defendant Amtrak alleges the

Plaintiff refuse to comply with the new mandate and now Plaintiff is ban for forever but Plaintiff has masks exemption card.

260. Plaintiff cannot wear a mask because thereby unsafely restricting the flow of oxygen, and causing the accumulation of bacteria and carbon dioxide, as a condition of being in the train and purchasing tickets and receiving services.
261. Defendant Amtrak stated to the Plaintiff Lau that:We are requiring that customers wear face coverings while in our stations and on our trains. Amtrak reserves the right to remove customer or ban the need for travel in the event of non-compliance with Amtrak's face covering policy.....
262. So therefore the Defendant Amtrak admitted in fact The Masks is about submission and tyrannical control. Not about health because Defendant stated "right to remove customer or ban the need for travel in the event of non-compliance..... **(IS ABOUT CONTROL)!!!**
263. Upon the Plaintiff's request, the Defendant Amtrak refused to cite any legal authority for this Amtrak reserves the right to remove customer or ban the need for travel in the event of non-compliance with Amtrak's face covering policy.
264. Defendant voice recording: See, Transcript of the Defendant Amtrak as Exhibit K.
265. "Thank you for calling Amtrak. We are requiring that customers wear face coverings while in our stations and on our trains. Amtrak reserves the right to remove customer or ban the need for travel in the event of non-compliance with Amtrak's face covering policy."

EXHIBITS

266. **Exhibit A- Mask-Ineffectiveness against So-called COVID-19.**
267. **Exhibit B- Plaintiff fact interview Defendant Sprits Airlines by cellphone with Customer Services employee on November 30, 2020, at an approximate time 8:30 AM.**
268. **Exhibit C- Plaintiff attached a transcripts group of doctors and scientist stating that is the So-Called COVID-19 is fraud.**
269. **Exhibit D-Affidavit of Gilbert Lau**
270. **Exhibit E- Transcript of cellphone with the Defendant Spirit Airlines on November 30, 2020 approximate time of 7:34 AM and male customer services employee and tap the phone conversation with both the Plaintiff Gilbert and Defendant Spirit Airlines- customer services employee-John Doe.**
271. **Exhibit F- Video Record when Plaintiff Lau was video record Mr. Marrio was in flight No. 245 in the Defendant Spirit Airlines Flight and Defendant officer John Doe aka Marrio an Employee Statement that the Fact by his own mouth or words that the Defendant Spirit Airlines Flight and Defendant officer John Doe aka Marrio is a federal government-owned corporation and Defendant Spirit Airlines Flight they are a federal government Corporation and upon information and nature belief established in 1971 to provide intercity passenger airlines service throughout the United States in pursuant to ... "U.S." is a Federal Corporation says 28 USC 3002(15)(a)...**
272. **Exhibit G-Affidavit of Gilbert Lau lead plaintiff Pro se cannot tolerate the mask.**
273. **EXHIBIT H- The masks mandate by Governor Andrew Mark Cuomo must be overturned by this Court.**
274. **EXHIBIT I- The masks mandate by CDC or TSA must be overturned by this Court.**
275. **EXHIBIT J- And Plaintiff attached a transcripts group of doctors and scientist stating that is so please Exhibit J** *for the 1st day of Plaintiff cannot*
276. **EXHIBIT K- Transcript of Defendant Amtrak National Railroad Passenger Corporation ("Amtrak) stating with no legal authority citation that Defendant Amtrak can ban the travel forever)**

277. **EXHIBIT L- Details BY DR. PAUL L. GLASSMAN, MD ON JULY 9, 2020. Annexed as Exhibit L hereto is a true and correct copy of Blood test of Gilbert Lau**
278. **EXHIBIT M-Transcript of DEFENDANT SPIRST AIRLINES CELLPHONE INTERVIEW WITH LEAD PLAINTIFF LAU**
279. **Exhibit N hereto is a true and correct copy of Affidavit of Plaintiff Gilbert Lau about testify facts of Lead Plaintiff Lau factual experience of mask wearing.**

280. Exhibit O hereto is a true and correct copy of Declarations attached hereto and made a part hereof as Composite Exhibit "O".

281. Exhibit P hereto is a true and correct copy of Exhibit P-Letter to CEO Mr. John Doe of Defendant Spirit Airlines

DAMAGES

85. As a direct and proximate result of the said acts of the defendants, Plaintiffs suffered the following injuries and damages:

- a. Violation of his rights under the First, Fourth, Fifth, and Fourteenth Amendments to the Constitution;
- b. Loss of physical liberty;
- c. Life threatening physical injuries, pain and suffering, extreme fear, emotional trauma, requiring the expenditure of money for treatment expected to last the rest of his life;
- d. Economic damages including loss of income; and
- e. Humiliation, embarrassment, and injury to reputation.

The physical, psychological, and economic consequences of the defendant action continue to date , and upon information and belief, will continue into the future.

Wd

FACTUAL WITNESSES

A. Potential Alex Jones of infowars as witness

EXPERT WITNESS LISTS

- a. **Potential Expert Dr.** V.A. Shiva Ayyadurai- Inventor of Email. US Senate 2020. Scientist. Biologist. Inventor. Entrepreneur. Creating the Future for Truth Freedom Health.

First cause action
count - I

~~COUNT II~~

**AGENCY ACTION NOT IN ACCORDANCE WITH LAW AND
IN EXCESS OF AUTHORITY**

**(Violation of the APA) 55. Plaintiffs incorporate the allegations of
paragraphs 1 through 54, and**

282. . Under the APA, a court must “hold unlawful and set aside agency Action” that is “in excess of statutory . . . authority, or limitations, or short of statutory Right.” 5 U.S.C. § 706(2) (C).

283. The Mask Mandate purports to derive its statutory and regulatory Authority from 42 U.S.C. § 264(a) and 42 C.F.R. §§ 70.2, 71.31(b), and 71.32(b). Ex. B.

284. . The Mask Mandate exceeds that authority in several ways.

285. First, neither **42 U.S.C. § 264, nor 42 C.F.R. § 70.2, nor 42 C.F.R. §§ 71.31(b) or 71.32(b)** authorizes the CDC to institute such a broad sweeping mandate Requiring every person who travels on a public conveyance to don some type of Garment or device. To hold otherwise would be “tantamount to creating a general Police power.” **Skyworks, Ltd. v. CDC, Case No. 5:20-CV-2407, 2021 U.S. Dist. LEXIS 44633 at *31 (N.D. Ohio March 10, 2021).**

286. . Second, Sections 264 and 70.2 permit the Defendant CDC & TSA to act only if it first “determines that the measures taken by” a state “are insufficient to prevent the Spread” of a communicable disease “from such State . . . to any other State.” 42 C.F.R. § 70.2. But here, the Defendant CDC & TSA has made no such determination. Rather, the Mask Mandate recites a broad statement: Any state or territory without sufficient mask-wearing requirements for transportation systems within its jurisdiction has not taken adequate measures to prevent the spread of COVID-19 from such state or territory to any other state or territory.

287. This utterly fails to identify measures taken by a particular state, or any

288. State at all, much less how those measures are insufficient?

289. Third, the Defendant CDC's reading of its authority under **42 U.S.C. § 264** is divorced from context. The statute gives the CDC the authority to "make and Enforce such regulations as in [its] judgment are necessary to prevent the Introduction, transmission, or spread of communicable diseases from foreign Countries into the States or possessions, or from one State or possession into any Other State or possession." 42 U.S.C. § 264(a). However, the next sentence of the Statute clarifies that to "carry [] out and enforce[e]" those regulations, the CDC is Authorized to conduct "such inspection, fumigation, disinfection, sanitation, and pest Extermination, destruction of animals or articles found to be so infected or Contaminated as to be sources of dangerous infection to human beings, and other Such measures, as in [CDC's] judgment may be necessary." Id. This "second Sentence [of Section 264(a)] operates to limit CDC's enforcement and Implementation authority to only those actions resembling 'inspection, fumigation, Disinfection, [and] pest extermination.'" **Florida v. Becerra, Case No. 8:21-CV-839, 2021 U.S. Dist. LEXIS 114297, *55 (M.D. Fla. June 18, 2021) (Merry day, D.J.)** As such, the second sentence "discloses, illustrates, exemplifies, and limits to measures similar in scope and character the measures contemplated and authorized by Congress when enacting the statute." Id. (**citing Yates v. United States, 574 U.S. 528, 546 (2015)**). Clearly, mandating that every person setting foot in an airport, bus Terminal, train station, aircraft, bus, train, or ship wear a mask over his or her nose and mouth exceeds the scope of that limiting language.

290. Fourth, **42 C.F.R. §§ 71.31(b) and 71.32(b)**, rather than assist Defendants Sweeping power grab, only serve to illustrate the limited scope of the CDC's Statutory and regulatory authority. Section 71.31(b) provides: The [CDC] may require detention of a carrier until the completion of the measures outlined in this part that are Necessary to prevent the introduction or spread of a communicable disease. The [CDC] may issue a controlled free critique to the carrier stipulating what measures are to be met, but such issuance does not prevent the periodic boarding of a carrier and the inspection of persons and records to verify that the conditions have been met for granting the critique.

291. But again, the Mask Mandate divorces this provision from context. The Meaning of this section is clarified by Section 71.31(a), which addresses a carrier's "Arrival at a U.S. port. . . ." It is further clarified by the reference in Section 71.31(b) To a "controlled free critique," which means "permission for a carrier to enter a U.S. Port, disembark, and begin operation under certain stipulated conditions." **42 C.F.R. § 71.1(b)**. Clearly, then, **Section 71.31(b)** refers to the CDC's authority to detain a Carrier that is suspected of harboring persons, articles, or things that present a risk Of communicable disease, or to grant leave to the carrier to enter a U.S. port under Certain conditions. That is a far cry from authorizing the Defendant CDC to require every Person entering a conveyance, anywhere in the U.S., or anywhere in the world

where A person is end route to the U.S., to wear a mask. **65. Section 71.32(b)** provides that, whenever the Defendant CDC “has reason to believe that any arriving carrier or article or thing on board the carrier is or may be contaminated with a communicable disease,” the CDC “may require detention, disinfection, disinfestation, fumigation, or other related measures. . . .” This clearly Relates back to the second sentence of **42 U.S.C. § 264(a)** – i.e., it illustrates how narrow and limited the Defendant CDC’s authority actually is. It certainly does not confer the Broad, sweeping power assumed by Defendants in regard to the Mask Mandate.

COUNT II
FAILURE TO PROVIDE NOTICE AND COMMENT
(Violation of the APA)

**CONSTITUTIONAL RIGHT OF THE AMENDMENT XIV OF PROCEDURAL DUE
PROCESS OF LAW OF NOT PROVIDING NOTICE AND COMMENT**

Failure to Provide Notice and Comment

292. Plaintiffs incorporate the allegations of paragraphs 1 through 292, and Further allege:

293. Even if the Mask Mandate falls within the **Defendant CDC’s statutory authority**

Under 42 U.S.C. § 264(a), the APA required Defendants to provide notice of, and Receive comment on, the Mask Mandate. See 5 U.S.C. § 533.

294. Without specifically citing the “good cause” exception of **5 U.S.C. § 553(b) (B)**, Defendants lean on the year-old “emergency” of COVID-19 to claim that The Mask Mandate is not a “rule” within the meaning of the **APA. 86 Fed. Reg. at 8030**. As a result, Defendant did not even invite comments, much less provide for a Notice and comment interval.

295. First, the Mask Mandate is clearly a “rule” within the meaning of the APA, because it prescribes law (the Mandate literally instructs carriers and Transportation hub operators to inform passengers that failure to properly wear a Mask constitutes a “violation of Federal law,” 86 Fed. Reg. at 8026, even though no Process that determines rights or obligations and/or constitutes action from which legal consequences will flow. **See 5 U.S.C. § 551(4); Florida v. Becerra, 2021 Dist. LEXIS 114297 at *110 (citations omitted).**

296. Second, the “good cause” exception of **5 U.S.C. § 553(b) (B)**, which Defendants have only tacitly invoked, is to be “narrowly construed and only Reluctantly countenanced,” and only “excuses the APA’s notice-and-comment Procedures in an ‘emergency situation.’” Becerra, *supra* at *123 (citations omitted).

71. Good cause does not exist when the agency has sufficient time to

Provide notice and comment. HHS declared COVID-19 a public health emergency Early in 2020, and yet did not promulgate the Mask Mandate until early 2021, Practically a year later. If the COVID-19 pandemic presented a national emergency In early 2020, that emergency had long passed by early 2021. As noted by this Court In Becerra, “[I]f the existence of a communicable disease alone permitted CDC to find ‘Good cause,’ Defendant CDC would seldom, if ever, need to comply with the statutory Requirement for ‘good cause’ to dispense with notice and comment.” Becerra, *supra* at *126.

COUNT III

ARBITRARY AND CAPRICIOUS AGENCY ACTION **(Violation of the APA)**

297. Plaintiff incorporate the allegations of paragraphs 1 through 297, and Further allege:

298. Under the APA, a court must “hold unlawful and set aside agency Action” that is “arbitrary [or] capricious,” as Defendants’ actions are here. 5 U.S.C. § 706(2) (A).

299. First, Defendants disregarded the fact that a protocol already exists Under the **Federal Aviation Act**, and regulations promulgated thereunder by the **Federal Aviation Administration (the “FAA”)**, which address an air carrier’s ability to refuse boarding to a passenger based on a threat of communicable disease. See 49 U.S.C. § 44902(b); 14 C.F.R. §§ 382.21 and 382.19(c) (1)-(2). The regulatory regime promulgated by the FAA is comprehensive, and the FAA – which is responsible for interpreting and enforcing statutes governing flight operations – apparently did not deem it necessary to update or amend those regulations during the nearly one-year period from the onset of the COVID-19 pandemic to the date of the Mask Mandate

300. Second, an agency “must examine the relevant data and articulate a Satisfactory explanation for its action, including a rational connection between the facts found and the choice made.” Encino Motorcars, LLC v. Navarro, 136 S. Ct. 2117, 2125 (2016). *Here, Defendants failed to articulate why the Mask Mandate was needed, what specific State measures were inadequate, and why the exemptions under the Mask Mandate were not arbitrarily selected.*

301. As noted above, for example, Defendants provide no epidemiological basis for drawing the line for exemptions for children at age 2 and under, whereas the Defendant **WHO** recommends against masking children age 5 and under, and recommends that children ages 6-11 wear masks only under limited circumstances. The Mask Mandate also fails to articulate whether any safety data respecting the effects of long-term mask use for persons of all ages was considered. The Mandate's only exemption for disabilities is for persons "who cannot wear a mask, or cannot safely wear a mask, because of the disability. . ." 86 Fed. Reg. at 8027. This fails to take into account persons such as Plaintiff Lau, who suffer from anxiety, headaches, and shortness of breath when wearing a mask. Defendants also fail to address the FDA's own uncertainty regarding the efficacy of masks for the general public, as well as concerns regarding the safety of wearing masks for extended periods of time.

302. Defendants also ignore the fact that the travel industry was, up until the Time of the Mask Mandate, effectively self-regulating, and the Mask Mandate Contains no finding to the contrary. The Mandate forecloses carriers from adjusting to changing circumstances, and from offering alternative solutions.

303. Third, the Mask Mandate fails to show that Defendants considered less Burdensome alternatives. For example, existing Federal Air Regulations provide guidance for airlines to determine whether they may deny boarding to a passenger based on a "direct threat" of infectious disease. See **14 C.F.R. §§ 382.21 and 382.19(c) (1)-(2)**.

COUNT IV

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COUNT IV

UNCONSTITUTIONAL DELEGATION OF LEGISLATIVE POWER
(Violation of U.S. Const. Art. I, § 1 as to the Mask Mandate)

304. Plaintiffs incorporate the allegations of paragraphs 1 through 304, and further allege: 80. Article I, Section 1 of the U.S. Constitution provides that “[a]ll legislative powers herein granted shall be vested in a Congress of the United States.” In other words, only Congress can make laws.

305. If the Mask Mandate does not exceed Defendants’ authority under **42 U.S.C. § 264** and its related regulations, then Section 264 constitutes an unconstitutional delegation of legislative authority to the Executive Branch, which afforded the Defendant CDC & Defendant WHO the power to determine the rights of every person engaged in interstate travel, and to make a sweeping policy decision without any meaningful accountability to the electorate

COUNT V

UNCONSTITUTIONAL EXERCISE OF LEGISLATIVE POWER

(Violation of U.S. Const. Art. I, § 1 as to the Executive Order)

Or

Unconstitutional Exercise of Legislative Power
(Violation of U.S. Const. Art. I, § 1 as to the Executive Order)

306. Plaintiffs incorporate the allegations of paragraphs 1 through 306 and 308., and further allege:

307. The Executive Order constitutes an unconstitutional exercise of legislative power by the Executive Branch, in that it is not authorized by any statute, and indeed does not even deign to cite any statutory basis.

308. The Executive Order does not cite any national emergency, nor could it. No such emergency existed at the time that the Executive Order was entered. By then, the COVID-19 pandemic had affected travel in the United States for nearly a year. 85. Congress could have enacted legislation requiring the wearing of masks on public conveyances during the year that

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preceded the **WHO, CDC and TSA Executive Order**, but Congress did not do so. No provision of Article II allows a CDC, WHO or the TSA to enact nationwide edicts, merely because the Legislative Branch has failed to enact legislation that the President would prefer.

309. The Executive Order is unprecedented in its breadth and impact. Never before has a "**Donald J. Trump**", as real President of the United States entered an executive order mandating that every citizen of the Republic be required to don a type of garment or device, whether when traveling or otherwise, for any reason whatsoever.

310. The Executive Order contains no expiration date or sunset provision, and fails to provide any guidance as to when or under what conditions it may be deemed to have expired

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COUNT VI
VIOLATION OF SEPARATION OF POWER

58

Violation of Separation of Powers

(Violation of Amendment X to the United States Constitution)

311. Plaintiffs incorporate the allegations of paragraphs 1 through 311, and further allege:

312. The Tenth Amendment to the United States Constitution provides that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People.” U.S. Const. Am. X.

313. The Defendant CDC & Defendant TSA Executive Order impedes on the traditionally-recognized prerogative of the States to protect the public health of their inhabitants under their general police power. The public health power, including the power to quarantine, is still understood as a function of state police power, with the federal role being limited to measures that are “distinctly limited in time, scope, and subject matter.”

314. The Executive Order contains no finding that the public health authority of the States has been somehow inadequate, and contains no finding explaining why, at this late stage in the pandemic, action by the Federal government is suddenly warranted or necessary.

315. As such, the Defendant CDC’s and Defendant TSA’s Executive Order violates the Separation of Powers between the States and the Federal Government.

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Seven

COUNT TWO — VIOLATION OF THE

50

COUNT Seven

FEDERAL LAW VIOLATION

CONSTITUTIONAL RIGHT TO PRIVACY

316. Paragraphs 1-316 above are incorporated herein.

317. The plaintiffs has a right to choose whether and what to wear upon his person generally, and especially over his airways.

318. The plaintiff has a right to breathe unabated and unencumbered by a mask of any kind.

319. Wearing a surgical mask or home fashioned cloth covering over his nose and mouth will restrict and interfere with the ability of the plaintiff to breathe in fresh air and to do so in a normal and healthy manner. This is particularly important in connection with COVID-19, as by all medical accounts this disease is inhibiting the body's ability to process oxygen.

320. The plaintiffs will be put in greater jeopardy of contracting COVID-19 by having to constantly bring his hands to his face to apply and remove a mask or cloth covering, than if he was not wearing one.

321. The CDCs Order that he must carry and/or wear a mask while in public is an unconstitutional infringement on these liberty and privacy rights in violation of the penumbra of rights enumerated in the Bill of Rights generally and Specifically of the 5th, 9th and 14th Amendments to the U.S. Constitution, and Article 1st, §§8 and 10 of the New York State Constitution.

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Court-8

COUNT THREE — VIOLATION OF THE
CONSTITUTIONAL RIGHT TO EXPRESSION & ASSEMBLY

322. Paragraphs 1-322 are incorporated herein.

323. The plaintiff has a right to express himself freely, including the right to protest a perceived "fear campaign" surrounding the SARS-CoV-2 outbreak.

324. The plaintiff, by walking in public without wearing a mask or face covering of any kind, is and has been making a political statement in protest of the fear-mongering, exaggeration, misinformation and other perceived misdeeds by our state and federal governments and our media in connection with this viral outbreak.

325. The plaintiff likewise has a basic, natural right to meet and assemble with others in public spaces for any lawful purpose or activity.

326. The plaintiff has a right to protest and otherwise air his complaints against the actions of the State of New York, in public.

327. The Defendant Anthony Stephen Fauci and Defendant U.S. Center for Disease Control and Prevention in order that the plaintiff cannot be in public within 6 feet of another person without wearing a mask or cloth mouth and nose covering violates his freedoms of speech and assembly, and to petition his government, under the 1st, 9th and 14th Amendments to the U.S. Constitution and Article 1st, §§4, 5, and 14 of the New York State Constitution.

Nine

COUNT FOUR— VIOLATION OF THE
CONSTITUTIONAL RIGHT TO MOVE FREELY

328. Paragraphs 1-328 are incorporated herein.

329. The plaintiff has a basic right to travel freely on public lands. The Governmental Airlines-Spirit Airlines order restricting the plaintiff's movement unless he carries and/or wears a restrictive mask is an unconstitutional infringement of his fundamental right to travel, in violation of the 5th 9th and 14th Amendments to the U.S. Constitution and Article 1st, §§8 and 10 of the New York State Constitution.

Ten
COUNT FIVE VIOLATION OF THE
CONSTITUTIONAL RIGHT TO PERSONAL MEDICAL DECISIONS

330. Paragraphs 1-330 are incorporated herein.

331. There is empirical evidence that, during viral outbreaks and otherwise, people who have access to fresh air often fare better than those who do not. A recent submission to the *Journal of Hospital Infection* discussed the history of "open air" treatment of various diseases in the U.S. in the past. In the years before antibiotics became available, open-air therapy was the standard treatment for tuberculosis (TB) and other infectious diseases. Patients were nursed next to open windows in cross-ventilated wards or put outside, in their beds, to breathe fresh outdoor air. This was believed to aid their recovery and reduce the risk of cross- and re-infection. The open-air regimen was also widely used on casualties during the First World War; and during the 1918e1919 influenza pandemic." (Exhibit H).

332. The plaintiffs believes that his access to fresh air will give him a better chance to both avoid infection from the virus and help his immune systems' ability to deal with the virus should he get infected, or should he be afflicted in any other way.

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333. The defendant's Executive Order is an unconstitutional infringement of the plaintiff's right to control his own body and to make his own health decisions by restricting his access to fresh air in public, in violation of the 5th 9th, and 14th Amendments to the U.S Constitution, and Article 1st, §§8 and 10 of the New York Constitution.

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COUNT SIX 42 USC 1983

334. Paragraphs 1-334 are incorporated herein.

335. At all times relevant hereto, the Government defendants was acting under color of state law.

336. The defendant's actions, pursuant to C.G.S. §§19a-131a, 28-9 and otherwise, have violated each of the plaintiff's aforementioned federal constitutional rights.

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COUNT Seven *Bivens v. Six Unknown Federal Agents*

337. Paragraphs 1-334 are incorporated herein.

338. At all times relevant hereto, the Federal Government defendants was acting under color of state law.

339. The federal defendant's actions, pursuant to C.G.S. §§19a-131a, 28-9 and otherwise, have violated each of the plaintiff's aforementioned federal

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COUNT 8 — BIVENS (IN PURSUANT TO Bivans v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 US 388 (1971),
BIVENS CLAIM FOR EXCESSIVE FORCE

340. The Plaintiff alleges the foregoing paragraphs as if they were fully incorporated here.

341. On or about June 7, 2016, Defendant Federal Fight Attendant John Doe (Mario, acting under color of federal law, subjected Plaintiff to excessive force by kicking Plaintiff's calf and raping and Plaintiff in the aircraft bathroom of Sprits flight 245 because Plaintiff refuse to wear a masks and again in a bathroom at airport in Albany, New York, in violation of Plaintiff's rights under the Fourth Amendment.

342. Defendant Federal Fight Attendant John Doe (Mario),'s actions were an excessive, unreasonable use of force.

343. As a result of Defendant's use of excessive force, Plaintiff suffered physical pain, emotional distress, and anxiety.

344. Plaintiff demands Compensatory and punitive damages in an amount to be 1 Trillion dollar at bench trial;

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COUNT VIII— is Unconstitutionally Vague and Overbroad

345. Paragraphs 1-58 are incorporated herein.

346. On information and belief, the defendant CDC's Executive Order was issued pursuant to the "catchall" provision of Federal Mandate, which provides that a governor may "take such other steps as are reasonably necessary in the light of the emergency to protect the health, safety and welfare of the people of the state, to prevent or minimize loss or destruction of property and to minimize the effects of hostile action."

. 1. The meaning of catchall policy is a term or category that includes a variety of different possibilities.

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347. As this provision is being applied to the plaintiff, it is unconstitutionally vague and overbroad in violation of the 1st, 5th and 14th Amendments to the U.S. Constitution and Article 1st, §§4, 5, 8, 10 and 14 of the New York State Constitution.

348. "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety." *Benjamin Franklin* (11/11/1755)

COUNT 15
COUNT-IX

CDC Executive-Order No: is Unconstitutionally-arbitrary-and capricious

349. In finding no jurisdiction to Defendant TSA, Spirit Airlines a US Government airlines Amtrak Railroad owned by the Federal Government, CDC Defendants failed to perform duties required by law, reached a decision that was affected by an error of law, and acted in an arbitrary and capricious manner. Under the APA, a court must "hold unlawful and set aside agency action" that is "arbitrary [or] capricious," as Defendants' actions are here. 5 U.S.C. § 706(2) (A).

350. First, Defendants disregarded the fact that a protocol already exists Under the Federal Aviation Act, and regulations promulgated thereunder by the Federal Aviation Administration (the "FAA"), which address an air carrier's ability to refuse boarding to a passenger based on a threat of communicable disease. See 49 U.S.C. § 44902(b); 14 C.F.R. §§ 382.21 and 382.19(c) (1)-(2). The regulatory regime promulgated by the FAA is comprehensive, and the FAA – which is responsible for interpreting and enforcing statutes governing flight operations – apparently did not deem it necessary to update or amend those regulations during the nearly one-year period from the onset of the COVID-19 pandemic to the date of the Mask Mandate.

351. Second, an agency “must examine the relevant data and articulate a Satisfactory explanation for its action, including a rational connection between the facts found and the choice made.” *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125 (2016). Here, Defendants failed to articulate why the Mask Mandate was needed, what specific State measures were inadequate, and why the exemptions under the Mask Mandate were not arbitrarily selected.

352. As noted above, for example, Defendants provide no epidemiological Basis for drawing the line for exemptions for children at age 2 and under, whereas The Defendant WHO recommends against masking children age 5 and under, and recommends that children ages 6-11 wear masks only under limited circumstances. The Mask Mandate also fails to articulate whether any safety data respecting the effects of long-term mask use for persons of all ages was considered. The Mandate’s only exemption for disabilities is for persons “who cannot wear a mask, or cannot safely wear a mask, because of the disability. . . .” 86 Fed. Reg. at 8027. This fails to take into account persons such as Plaintiffs Gilbert Lau, who suffer from anxiety, headaches, and shortness of breath when wearing a mask. Defendants also fail to address the FDA’s own uncertainty regarding the efficacy of masks for the general public, as well as concerns regarding the safety of wearing masks for extended periods of time.

353. Defendants also ignore the fact that the travel industry was, up until the Time of the Mask Mandate, effectively self-regulating, and the Mask Mandate contains no finding to the contrary. The Mandate forecloses carriers from adjusting to changing circumstances, and from offering alternative solutions.

354. Third, the Mask Mandate fails to show that Defendants considered less Burdensome alternatives. For example, existing Federal Air Regulations provide guidance for airlines to determine whether they may deny boarding to a passenger based on a “direct threat” of infectious disease. See 14 C.F.R. §§ 382.21 and 382.19(c) (1)-(2) and the United States Constitution.

COUNT XVI

COUNT-X the Civil Rights Act of 1964 is federal civil rights legislation that prohibits discrimination in numerous settings including: employment, education, voting, and public accommodations.

Paragraphs 1-355. are incorporated herein. Plaintiff has the right under "SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or **national origin**.

356. Defendant Sprits Airlines, Defendant John Doe (AKA Mario), Defendant Amtrak-National Railroad Passengers Corporation (hereafter Known as AMTRAK), Defendant United Airlines, Defendant United Airlines Flight attendant John Doe, and Defendant American Airlines has infringe on Plaintiff and all others similarly situated where he and others has a basic right to travel freely on public lands by (b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or **other place of exhibition** or entertainment; and,

(4) any establishment (A)(I) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is **physically located any such covered establishment**, and (B) which holds itself out as serving patrons of such covered establishment.

357. Defendant Sprits Airlines, Defendant John Doe (AKA Mario), Defendant Amtrak-National Railroad Passengers Corporation (hereafter Known as AMTRAK), Defendant United Airlines, Defendant United Airlines Flight attendant John Doe, and Defendant American Airlines are in fact and by law is **physically located any such covered establishment**, under Sec. 201(a) (3), (4) base on national origin because the masks prohibits the **expression of free exchange of ancestry, culture, and language** and all stated Defendants are enjoin that right.

a) Plaintiff demands Compensatory and punitive damages in an amount to be 1

Trillion dollar at bench trial;

SIXTEEN
FOURTH CAUSE OF ACTION

AMERICANS WITH DISABILITIES ACT CLAIM AGAINST UNITED AIRLINES AND AMERICAN AIRLINES

Plaintiff realleges the foregoing paragraphs as if they were fully incorporated here.

358. Defendant United Airlines, Defendant United Airlines Flight attendant John Doe, and Defendant American Airlines alleges the foregoing paragraphs as if they were fully incorporated here.

359. Defendant United Airlines, Defendant United Airlines Flight attendant John Doe, and Defendant American Airlines, through the actions of its gate agents and stewards, harassed and discriminated against Plaintiff on the basis of his disabilities that for exemptions from mask wearing.

360. Defendant United Airlines, Defendant United Airlines Flight attendant John Doe, and Defendant American Airline's wrongful behavior violated Plaintiff's rights under the Americans with Disabilities Act and caused Plaintiff psychological suffering.

a. Plaintiff demands Compensatory in an amount to be determined at bench trial.

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~~COUNT VI~~
~~SEVENTEEN~~
~~XVII~~
FOURTH CAUSE OF ACTION

AMERICANS WITH DISABILITIES ACT CLAIM
AGAINST AMTRAK UNDER Title III Rag 28 CFR
§36.104(iii)

(Title II of the Americans with Disabilities Act (ADA) of 1990, covering all health care and social services programs and activities of public entities)

Plaintiff alleges the foregoing paragraphs as if they were fully incorporated here.

361. Defendant Amtrak, through the actions of its gate agents and train conductors to harassed and discriminated against Plaintiff on the basis of his disabilities.

362. Defendant Amtrak cannot make no business policy supersedes the law to ban passengers who refuse and cannot wear the mask. No governor's order, health order, emergency or pandemic supersedes Constitutionally-protected rights.

363. Defendant Amtrak is state and federal government under color of state and federal as state and federal owner business is open to the public, and Plaintiff Gilbert Lau is the public.

364. Defendant Amtrak denial Plaintiff's general services and ban plaintiff from services violates several federal laws.

365. Defendant Amtrak is prohibited under Title III, Sections, §36.202(a) (b) (c) and §36.203(a) (b) (c) states that I shall not be denied the same and Equal Access as everyone else.

366. The law prohibits Defendant Amtrak from Plaintiff Lau separately or differently

367. Exclude a person with a disability from a program or activity;

368. Deny a person with a disability the benefits of a program or activity

369. Defendant Amtrak is **PROHIBITED** from unlawful discrimination

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COUNT VI
FOURTH CAUSE OF ACTION

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UNDER TITLE III REG 28 CFR 36.202(a) (b) (c)

18 CAUSE OF ACTION
(Title II of the Americans with Disabilities Act (ADA) of 1990, covering all health care **and social services programs and activities of public entities**)

370. Plaintiff alleges the foregoing paragraphs as if they were fully incorporated here.

371. Defendant Amtrak, through the actions of its gate agents and train conductors to harassed and discriminated against Plaintiff on the basis of his disabilities.

372. Defendant Amtrak is mandate in pursuant to ADA Act cover all Railroad locomotives, railroad freight cars, railroad cabooses, commuter or intercity passenger rail cars (including coaches, dining cars, sleeping cars, lounge cars, and food service cars), any other railroad cars described in section 242 of the Act or covered under title II of the Act, or railroad rights-of-way that Defendant Amtrak is State and Federal Government owner act business has a legal classification as a **“public accommodation” according to all state and federal laws.**

373. Defendant Amtrak cannot make no business policy supersedes the law to ban passengers who refuse and cannot wear the mask. No governor’s order, health order, emergency or pandemic supersedes Constitutionally-protected rights.

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NEW YORK STATE CIVIL RIGHT LAW § 2.

19 CAUSE OF ACTION
374. Plaintiff alleges the foregoing paragraphs as if they were fully incorporated here.

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on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state.

376. The Plaintiff is a ... "Supreme sovereignty in the people" ... and Defendant Spirts Airlines through the actions of its cooperating with the Defendant Transportation Security Administration force Plaintiff to wear a mask or cloth mouth and nose covering violates his New York States Civil Right Law under "any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state"

377. Defendant Spirts Airlines through the actions of its cooperating with the Defendant Transportation Security Administration force Plaintiff to wear a mask or cloth mouth and nose covering admits to the Plaintiff on the telephone is "pretense" on November 30, 2020, that OK. So for that, that will be" – *you might be asked to get out of the plane because the thing is you will be putting yourself at risk and also other passengers at risk. So it is highly advisable for our passengers to have the face mask on throughout the entire trip.*"

378. Defendant Spirts Airlines through the actions of its cooperating with the Defendant Transportation Security Administration show their own pretense is for own good and other with they admit is security and safe when is reality both admitted is compliance which is control that violates "Supreme sovereignty in the people." Defendant Spirts Airlines and Defendant Transportation Security Administration has No authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state.

379. about masks mandate that the plaintiff cannot be in public within 6 feet of another person without wearing a mask or cloth mouth and nose covering violates

NEW YORK STATE HUMAN RIGHTS LAW

380. Plaintiff alleges the foregoing paragraphs as if they were fully incorporated here.

381. Defendant United Airlines, Defendant United Airlines Flight attendant John Doe, and Defendant American Airlines, through the acts of its gate agents and stewards, violated Plaintiff's rights under the New York State Human Rights Law by discriminating against Plaintiff and harassing him on the basis of his psychological disabilities for the reason on the mask mandate executive order by the Governor.

382. Due to Defendant United Airlines, Defendant United Airlines Flight attendant John Doe, and Defendant American Airline's actions, Plaintiff suffered psychological harm.

a. Plaintiff demands Compensatory in an amount to be determined at bench trial.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff seeks the following relief:

For the foregoing reasons, Plaintiffs ask the Court to:

a) Enter a declaratory judgment holding the Mask Mandate as unlawful and/or unconstitutional, and set it aside.

b) Enter a declaratory judgment holding the Executive Order as unconstitutional, and set it aside.

c) Award Plaintiffs their reasonable costs and attorney's fees.

d) Award such other relief as the Court deems equitable and just.

e. Compensatory and punitive damages in an amount to be determined at trial;

Dated: September 10, 2021

Respectfully submitted,

/s/ Gilbert Lau

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April 23
Dated: September 10, 2021

Respectfully submitted,

/s/ Joseph Barton
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April 23, 2022
Dated: September 10, 2021

Respectfully submitted,

/s/ Jose Mercado

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